

STATE OF WISCONSIN

Senate Journal

Eightieth Session

WEDNESDAY, June 9, 1971.

8:30 A.M.

The senate met.

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

Prayer was offered by Father Fredrick Kreuziger, Pastor of St. Pauls Chapel, University of Wisconsin.

LEAVES OF ABSENCE

By request of Senator Chilsen, with unanimous consent, Senator Soik was granted a leave of absence for today's session.

By request of Senator Knowles, with unanimous consent, he was granted a leave of absence from 2:00 P.M. for the balance of this week's session because of his scheduled appearance before the Ways and Means Committee in Washington, D. C. to testify on matters concerning Federal Revenue Tax Sharing.

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, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Steinhilber, Swan, Thompson and Whittow—32.

Absent—None.

Absent with leave—Senator Soik—1.

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AMENDMENTS OFFERED

Senate amendment 1 to senate substitute amendment 1 to Senate Bill 155 by Senator Kendziorski.

Senate amendment 1 to senate substitute amendment 1 to Senate Resolution 26

Amend the substitute amendment as follows:

- 1. On page 1, line 4, after "representatives" insert "and the department of justice".**
- 2. On page 1, line 13, after "assembly" insert "and the department of justice itself".**

By Senator McKenna.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 68

Directing the legislative council to establish a study committee to consider various aspects of the federal occupational and health act of 1970.

By Senator Hollander; co-sponsored by Representatives Tobiasz and Molinaro.

Read and referred to joint committee on Finance.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 586

Relating to temporary borrowing by vocational, technical and adult education districts.

By Senators Heinzen and Hollander; co-sponsored by Representatives Brown and Schricker.

To committee on Education.

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Senate Bill 587

An act to appropriate \$2,363.94 from the general fund for payment of a claim by the City of Whitewater against the state.

By Senator Hollander; cosponsored by Representative Molinaro by request of State Claims Board.

To joint committee on Finance.

PETITIONS AND COMMUNICATIONS

Senate Petition 164

A petition by 14 citizens of Milwaukee County strongly opposing any form of public aid to private and religious schools.

Introduced by Senator Soik.

Read and referred to committee on Education.

Senate Petition 165

A petition of 36 citizens of the 33rd Senate District in support of Senate Bill 329 and Assembly Bill 198.

Introduced by Senator Murphy.

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

Senate Petition 166

A petition of 20 citizens of the City of Oconomowoc—33rd District—in support of Senate Bill 163.

Introduced by Senator Murphy.

Read and referred to committee on Governmental and Veterans' Affairs.

Senate Petition 167

A petition of 22 citizens of the 33rd District in support of creating laws to legalize abortions in Wisconsin.

Introduced by Senator Murphy.

Read and referred to committee on Health and Social Services.

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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:

Motions Under Joint Rule 26:

A joint certificate of Commendation by Representative Sanasarian; co-sponsored by Senator Parys for Dr. William Ambrose Fitzgerald on his retirement;

A joint certificate of Congratulations by Representative G. K. Johnson; co-sponsored by Senator Swan for Village of Clinton on its being named the state's most improved community.

MESSAGE FROM THE ASSEMBLY CONSIDERED

Motions Under Joint Rule 26:

A joint certificate of Commendation by Representative Sanasarian; co-sponsored by Senator Parys for Dr. William Ambrose Fitzgerald on his retirement;

A joint certificate of Congratulations by Representative G. K. Johnson; co-sponsored by Senator Swan for Village of Clinton on its being named the state's most improved community.

The above motions under Joint Rule 26 were read and concurred in en masse.

MOTIONS

Senator Heinzen raised the point of order that on May 19 the chair took a point of order on Senate Bill 198 under advisement. More than 5 legislative days having ensued, Senator Heinzen moved that the bill be taken up at this time.

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Senate Bill 198

Relating to the waiting period for marriage licenses.

Senate amendment 3 to senate substitute amendment 1 adopted.

By request of Senator Risser, with unanimous consent, Senate Bill 198 was laid on the table.

CALENDAR OF MAY 25

Senate Bill 360

Relating to redistricting the State pursuant to the congressional apportionment based on the 1970 census of population.

Read a second time.

By request of Senator Risser, with unanimous consent, Senate Bill 360 was laid on the table.

Senate Bill 402

Relating to a declaration of public policy in relation to the Council for Home and Family (suggested as remedial legislation by the Council for Home and Family).

Read a second time.

The question was: Adoption of senate amendment 1?

Senator Risser moved rejection of the amendment.

Senate amendment 1 rejected.

Senator Lorge moved reconsideration of the vote by which senate amendment 1 was rejected.

By request of Senator Risser, with unanimous consent, the vote by which senate amendment 1 was rejected was reconsidered.

Senator Risser raised the point of order that senate amendment 1 was not germane.

The chair took the point of order under advisement.

Senate Bill 429

Relating to antitrust powers of the Attorney General to represent private citizens.

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Read a third time.

The question was: Shall the bill pass?

The ayes and noes were required and the vote was: ayes, 31; noes, 1; absent or not voting, 1; as follows:

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

Noes—Senator Swan—1.

Absent or not voting—Senator Soik—1.

So the bill passed.

Senate Bill 436

Relating to jury trials in divorce actions when cruel and inhuman treatment is alleged.

Read a second time.

Senator Risser moved indefinite postponement.

The ayes and noes were demanded and the vote was: ayes, 20; noes, 13; absent or not voting, 0; as follows:

Ayes—Senators Bidwell, Chilsen, Devitt, Dorman, Heinzen, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lipscomb, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Schuele, Steinhilber and Thompson—20.

Noes—Senators Busby, Cirilli, Frank, Hollander, Johnson, Krueger, Lorge, Lotto, Lourigan, Roseleip, Soik, Swan and Whittow—13.

Absent or not voting—None.

The bill was indefinitely postponed.

The senate stood informal for 10 minutes.

9:30 A.M.

9:40 A.M.

The senate reconvened.

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The president pro tempore in the chair.

9:45 A.M.

Senate Bill 445

Relating to a limitation on parental liability for his child's negligence in operating a motor vehicle.

Read a second time.

Ordered to a third reading.

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

Read a third time and passed.

Senate Bill 450

Relating to appointment of court commissioners in populous counties.

Read a second time.

By request of Senator Busby, with unanimous consent, Senate Bill 450 was laid on the table.

CALENDAR OF MAY 26

Senate Bill 181

Relating to excluding certain activities from regulation under the state plumbing code.

Read a second time.

Senate substitute amendment 1 rejected.

Senate substitute amendment 2 adopted.

Senator Heinzen moved indefinite postponement of Senate Bill 181.

The ayes and noes were demanded and the vote was: ayes, 14; noes, 19; absent or not voting 0; as follows:

Ayes—Senators Busby, Chilsen, Dorman, Frank, Heinzen, Knutson, Krueger, Lipscomb, Lotto, McKenna, Martin, Peloquin, Risser and Roseleip—14.

Noes—Senators Bidwell, Cirilli, Devitt, Hollander, John-

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son, Kendziorski, Keppler, Knowles, LaFave, Lorge, Lourigan, Murphy, Parys, Schuele Soik, Steinhilber, Swan, Thompson and Whittow—19.

Absent or not voting—0.

The motion for indefinite postponement did not prevail.

Senate Bill 181

The bill was 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 181

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes—Senators Bidwell, Devitt, Hollander, Johnson, Kendziorski, Keppler, Knowles, Krueger, LaFave, Lorge, Lourigan, Murphy, Parys, Roseleip, Schuele, Soik, Steinhilber, Swan and Whittow—19.

Noes—Senators Busby, Chilsen, Cirilli, Dorman, Frank, Heinzen, Knutson, Lipscomb, Lotto, McKenna, Martin, Peloquin, Risser and Thompson—14.

Absent or not voting—None.

So the bill passed.

Assembly Bill 265

Read a second time.

By request of Senator Lipscomb, with unanimous consent, Assembly Bill 265 was laid on the table.

By request of Senator Risser, with unanimous consent, Senate Bill 198 was withdrawn from the table and considered at this time.

Senate Bill 198

Read.

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 198

Read a third time and passed.

By request of Senator Keppler, with unanimous consent, Senate Resolution 23 was withdrawn from the table and considered for action at this time.

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Senate Resolution 23

Requesting the opinion of the Attorney General with regard to pending proposals for the merging of the University of Wisconsin and the state universities into a single system.

The question was: Adoption of senate substitute amendment 1?

Senate substitute amendment 1 to Senate Resolution 23.

Requesting the opinion of the attorney general with regard to pending proposals for the merging of the university of Wisconsin and the state universities into a single system.

Whereas, 1971 Senate Bill 213 proposes to abolish the separate boards of regents of the university of Wisconsin and of the state universities and to create, in their stead, a single board of regents to administer a consolidated system into which all institutions now under the control of the 2 separate boards have been merged; and

Whereas, a similar proposal has been advocated by the governor and is, in fact, incorporated into his proposed executive budget; and

Whereas, on several occasions in the past the attorney general's office of this state has held that the applicable provisions of our state constitution require the university of Wisconsin to be located at the seat of government (i.e. at Madison) and prevent a consolidation of the university of Wisconsin with public colleges located elsewhere in the state; e.g. 1925 O.A.G. 194 and 1955 O.A.G. 120; and

Whereas, the university of Wisconsin now maintains full campuses including graduate schools at Madison and Milwaukee, 4-year campuses at Green Bay and Parkside and, in addition, seven 2-year extension centers at Baraboo, Wausau, Marshfield, Janesville, Sheboygan, West Bend and Waukesha; now, therefore, be it

Resolved by the senate, That the attorney general be requested to render, as expeditiously as practicable, his official opinion with regard to the constitutional questions raised by the proposed merger of the university of Wisconsin and the state universities system.

By Senator Keppler.

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Senator Heinzen moved rejection of Senate Resolution 23.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 20; absent or not voting, 0; as follows:

Ayes—Senators Dorman, Frank, Heinzen, Kendziorski, Lipscomb, Lorge, Lotto, McKenna, Martin, Pelouquin, Schuele, Thompson and Whittow—13.

Noes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lourigan, Murphy, Parys, Risser, Roseleip, Soik, Steinhilber and Swan—20.

Absent or not voting—None.

The motion for rejection did not prevail.

Senate substitute amendment 1 adopted.

Senate Resolution 23

Senate Resolution 23 adopted.

By request of Senator Hollander, with unanimous consent, **Senate Bill 434** was withdrawn from the table and considered for action at this time.

Senate Bill 434

Relating to a recodification of the laws governing vocational, technical and adult education.

Read a second time.

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 434

Read a third time and passed.

By request of Senator Hollander, with unanimous consent, **Assembly Bill 265** was withdrawn from the table and considered for action at this time.

Assembly Bill 265

Relating to loan rates of interest.

Senate amendment 1 offered by Senator Lipscomb.

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Senator LaFave moved rejection.

Senate amendment 1 rejected.

The bill was 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 265

Read a third time.

The question was: Shall the bill be concurred in?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 10; absent or not voting, 0; as follows:

Ayes—Senators Bidwell, Chilsen, Cirilli, Devitt, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Murphy, Parys, Peloquin, Roseleip, Schuele, Soik, Steinhilber, Swan and Whittow—23.

Noes—Senators Busby, Dorman, Frank, Kendzierski, Lipscomb, Lourigan, McKenna, Martin, Risser and Thompson—0.

Absent or not voting—None.

So the bill was concurred in.

By request of Senator LaFave, with unanimous consent, the action was ordered immediately messaged.

CALENDAR OF MAY 27

Senate Joint Resolution 34

To amend Article VIII, Section 1 of the Constitution, relating to reducing the tax burden on private residences with special consideration for persons past the age of 65 years (1st consideration).

President of the senate in the chair.

11:00 A.M.

The question was: Reconsideration of the vote by which Senate Joint Resolution 34 was rejected?

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The ayes and noes were required and the vote was: ayes, 29; noes, 4; absent or not voting, 0; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Frank, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Swan, Thompson and Whittow—29.

Noes—Senators Dorman, Heinzen, Hollander and Steinhilber—4.

Absent or not voting—None.

The motion prevailed.

Senate Joint Resolution 34

The question was: Rejection of Senate Joint Resolution 34?

Senate Joint Resolution 34 was not rejected.

Senator Johnson moved rejection of senate amendment 1.

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

Ayes—Senators Johnson and Steinhilber—2.

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

Absent or not voting—None.

So the motion for rejection did not prevail.

Senate amendment 1 adopted.

Senate Joint Resolution 34

Ordered to a third reading.

By request of Senator Keppler, with unanimous consent, Senate Joint Resolution 34 was considered for final action at this time.

Senate Joint Resolution 34

Read a third time.

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

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

Noes—Senators Heinzen and Steinhilber—2.

Absent or not voting—None.

So Senate Joint Resolution 34 was adopted.

By request of Senator LaFave with unanimous consent all actions were ordered immediately messaged.

By request of Senator Keppler with unanimous consent the Senate returned to the third, fourth, fifth and eighth orders of business.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 69

The legislature and the people of the state of Wisconsin are saddened to learn of the passing of W. W. Clark, former state senator from Clark, Portage and Wood Counties and chief author of the plan requiring all areas in the state to be included in high school districts, who died May 15, 1971, in Wisconsin Rapids.

Introduced by Senator Heinzen; co-sponsored by Representatives Schneider and Oestreicher.

Read and adopted by unanimous rising vote.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 588

Relating to composition and duties of the council on printing.

By Senators Lorge, LaFave and Roseleip.

To committee on Governmental and Veterans' Affairs.

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COMMITTEE REPORTS

The committee on Health and Social Services reports and recommends:

The appointment by the Governor of Dr. Samuel H. Friedman, of Milwaukee, as a member of the Psychology Examining Board, to succeed Robert Browning, to serve for the remainder of the unexpired term ending July 1, 1972.

Confirmation; Ayes, 5; Noes, 0.

Senate Joint Resolution 54

Memorializing congress to alleviate the shortage of persons delivering health care to certain areas.

Adoption; Ayes, 5; Noes, 0.

Senate Bill 193

Relating to creating a council to study the state welfare program, and making an appropriation.

Passage; Ayes, 4; Noes, 1.

Senate Bill 195

Relating to applicants and recipients of aid to families with dependent children and other public assistance grants.

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

Senate Bill 216

Relating to allowing cosmetologists to cut male hair without a barber's license upon meeting certain standards.

Adoption of senate amendment 2; Ayes, 5; Noes, 0 and passage as amended; Ayes, 5; Noes, 0.

Senate Bill 335

Relating to practical nursing.

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

Senate Bill 336

Relating to nursing requisites, licensing and suspension of licenses of nurses.

Adoption of senate amendment 3; Ayes, 5; Noes, 0 and passage as amended; Ayes, 5; Noes, 0.

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Senate Bill 348

Relating to placement of youthful offenders in certain institutions and creating a juvenile review board.

Adoption of senate substitute amendment 2; Ayes, 5; Noes, 0 and passage as amended; Ayes, 5; Noes, 0.

Senate Bill 355

Relating to the licensing and regulation of nursing homes, providing injunctive relief against and penalties for violations of state nursing home regulations.

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

Senate Bill 394

Relating to licensing of funeral directors and embalmers and reciprocal agreements with other states pertaining to funeral directors and embalmers (suggested as remedial legislation by the Wisconsin Funeral Directors Association).

Passage; Ayes, 5; Noes, 0.

Senate Bill 401

Relating to remedial legislation suggested by the department of health and social services.

Passage; Ayes, 5; Noes, 0.

Senate Bill 407

Relating to setting standards for adult group foster homes.

Adoption of senate amendment 1; Ayes, 5; Noes, 0 and passage as amended; Ayes, 4; Noes, 1.

Senate Bill 408

Relating to the state's program of services for the blind.

Passage; Ayes, 5; Noes, 0.

Senate Bill 409

Relating to a statute of limitations for certain intergovernmental claims for providing social services.

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

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Senate Bill 419

Relating to temporary licensing of graduates of foreign medical schools who are on the academic staff of medical schools in this state.

Passage; Ayes, 5; Noes, 0.

Senate Bill 448

Relating to abatement of health nuisances.

Passage; Ayes, 5; Noes, 0.

Senate Bill 478

Relating to creation of a barbers examining council and a barber examining board in the department of regulation and licensing, granting rule-making authority, providing penalties and making an appropriation.

Indefinite postponement; Ayes, 2; Noes, 2 and without recommendation.

Senate Bill 489

Relating to the purchase of care and services by and between county public welfare agencies.

Passage; Ayes, 5; Noes, 0.

Senate Bill 490

Relating to payment of aid to families with dependent children in foster homes or child-caring institutions.

Passage; Ayes, 5; Noes, 0.

Senate Bill 493

Relating to state aid for salaries of certain home school coordinators for Indian students and making an appropriation.

Passage; Ayes, 3; Noes, 0.

Senate Bill 499

Relating to state payment of excess county health costs in small counties, and making an appropriation.

Passage; Ayes, 3; Noes, 0.

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Senate Bill 500

Relating to administration and financing of relief to needy Indian persons.

Passage; Ayes, 3; Noes, 0.

Assembly Bill 161

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

Adoption of senate substitute amendment 1; Ayes, 4; Noes, 1 and concurrence as amended; Ayes, 4; Noes, 1.

Assembly Bill 238

Relating to assignment of mother's wages for child support.

Concurrence; Ayes, 5; Noes, 0.

JAMES C. DEVITT,
Chairman.

The committee on Transportation reports and recommends:

Assembly Bill 433

Relating to grounds for denying, suspending or revoking motor vehicle manufacturers' licenses and providing a civil penalty.

Concurrence; Ayes, 5; Noes, 0.

REUBEN LaFAVE,
Chairman.

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 Congratulations by Representative O'Malley; co-sponsored by Senator Thompson for Saint Norbert Parish on its 125th Anniversary.

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MESSAGE FROM ASSEMBLY CONSIDERED

Motion Under Joint Rule 26:

A joint certificate of Congratulations by Representative O'Malley; co-sponsored by Senator Thompson for Saint Norbert Parish on its 125th Anniversary.

Read and concurred in.

QUORUM CALL

Senator Keppler suggested the absence of a quorum.

The clerk was directed to call the roll and the following senators answered to their names:

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—33.

Upon motion of Senator Keppler, with unanimous consent, the senate recessed until 2:00 P.M.

12:15 P.M.

RECESS

2:00 P.M.

The senate reconvened.

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

Senator Keppler moved that Senator Hollander be selected as presiding officer.

The motion prevailed.

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Upon motion of Senator Keppler the senate adjourned
until 8:30 A.M., June 10, 1971.

2:20 P.M.

INTRODUCTION OF GUESTS

Senator Swan introduced 25 Girl Scouts of St. Patrick's School with Mrs. Fernan, Mrs. Donahue, Mrs. Clark, Mrs. Hoeser, Janesville, Wisconsin.

Senator Frank introduced Ronald Klief and Donna Dranburg of Milwaukee, Wisconsin.

Senator Steinhilber introduced 8 young ladies of Neenah Junior High School with teachers Marian and Ed Mueller.

Senators Parys and Schuele introduced Ron, Mary and Jerry Schuele and 5 grandchildren of Milwaukee, Wisconsin.

Senator Steinhilber introduced Mr. and Mrs. Carl Gerlof, Hamburg, Germany and Mrs. T. Charles Tukulano and Mr. Jurgen R. Moritz of Oshkosh, Wisconsin.