

JOURNAL OF THE SENATE [August 24, 1971]

STATE OF WISCONSIN

# Senate Journal

## Eightieth Session

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TUESDAY, August 24, 1971.

10:00 o'clock A.M.

The senate met.

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

Prayer was offered by the Reverend Robert M. Bruneski, pastor of Elm Baptist Church, General Conference, Madison.

The senate remained standing and recited the pledge of allegiance to the flag of the United States.

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, Pelouquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—33.

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### AMENDMENTS OFFERED

Senate substitute amendment 2 to Senate Bill 442 offered by Senator Hollander.

Senate amendment 1 to Senate Bill 565 offered by Senator Murphy.

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## **BILLS INTRODUCED**

**Read first time and referred:**

**Senate Bill 719**

Relating to aircraft registration and providing a penalty.  
By Senator LaFave.  
To committee on Transportation.

**Senate Bill 720**

Relating to airport approach protection by local governments.  
By Senator LaFave.  
To committee on Transportation.

**Senate Bill 721**

Relating to various revisions concerning aeronautics.  
By Senator LaFave.  
To committee on Transportation.

**Senate Bill 722**

Relating to sewage discharge into certain lakes and interstate navigable waterways and increasing a penalty.  
By Senators Swan and McKenna.  
To joint committee on Finance.

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## **COMMITTEE REPORT**

The committee on Natural Resources reports and recommends:

**Senate Resolution 29**

Requesting the natural resources board to defer the realignment of district administration offices.  
Adoption; Ayes, 4; Noes, 0.

**Assembly Bill 279**

Relating to making the Wisconsin conservation congress a statutory body.  
Concurrence; Ayes, 4; Noes, 0.

**CLIFFORD W. KRUEGER,**  
Chairman.

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## **PETITIONS AND COMMUNICATIONS**

### **Senate Petition 201**

A petition by 29 Sheboygan County citizens who are strongly opposed to passage of **Assembly Bill 584** which would permit 65-foot double bottom trucks on Wisconsin streets and highways.

Introduced by Senator Keppler.

Read and referred to committee on Transportation.

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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 O'Malley; co-sponsored by Senator Thompson for Henry Ripp of his heroic performance as a public servant.

Passed and asks concurrence in:

**Assembly Bill 332,**  
**Assembly Bill 544,**  
**Assembly Bill 653 and**  
**Assembly Bill 1192.**

Concurred in:

**Senate Bill 306**

Adhered to its position on **Senate Joint Resolution 13**, agrees to a committee of Conference and appoints Representatives R. M. Thompson, Gaulke and Froehlich as conferees on its part.

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## **MESSAGE FROM THE ASSEMBLY CONSIDERED**

**Motion Under Joint Rule 26:**

A joint certificate of Commendation by Representative

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O'Malley; co-sponsored by Senators Lorge and Thompson for Henry Ripp on his heroic performance as a public servant.

Read and concurred in.

### **Assembly Bill 332**

Relating to parking privileges for disabled veterans.

By Representatives Atkinson, Oberle, Bolle, Mato, O'Malley, Greider, Early, Gaulke, Vanderperren, Looby, Willkom, Jackson, Wahner, Kafka and Schricker; co-sponsored by Senator Peloquin.

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

### **Assembly Bill 544**

Relating to financing town sanitary districts after annexation.

By Representatives Greider and Roberts.

Read first time and referred to committee on Housing and Urban Development.

### **Assembly Bill 653**

Relating to county surveyor duties.

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

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

### **Assembly Bill 1192**

An act to temporarily waive certain requirements for foreign physicians to practice in Wisconsin for Dr. Fiaz Choudhri.

By Representatives Earl and Day; co-sponsored by Senator Chilsen, by request of Wausau Clinic, S.C.

Read first time.

Senator Chilsen asked unanimous consent that Assembly Bill 1192 be laid on the table.

Senator Whittow objected.

Referred to committee on Health and Social Services.

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### MOTIONS

By request of Senator LaFave, with unanimous consent, **Senate Bill 663** was withdrawn from the committee on Commerce, Labor, Taxation, Insurance and Banking and referred to committee on Health and Social Services.

By request of Senator Lipscomb, with unanimous consent, **Senate Bill 661** was withdrawn from the committee on Commerce, Labor, Taxation, Insurance and Banking and referred to joint committee on Finance.

By request of Senator Krueger, with unanimous consent, **Senate Bill 475** was withdrawn from the committee on Natural Resources and referred to committee on Transportation.

By request of Senator Krueger, with unanimous consent, **Senate Bills 207 and 522** were withdrawn from committee on Natural Resources and referred to joint committee on Finance.

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### MOTIONS UNDER JOINT RULE 26

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

Whereas, Andy Jimos, who immigrated to Appleton from his native Greece at the age of 16, opened that city's first hat cleaning establishment 55 years ago, and continues to operate that shop, a shop which is now believed to be this state's last shop of its kind north of Milwaukee; and

Whereas, Andy Jimos, a member of the Loyal Order of Moose, has led a long and active public life, serving as Appleton water commissioner and as a long-time member of the Outagamie County board, and active in Republican Party campaign activities; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator Lorge and Representative Conradt, under Joint Rule 26, commend Mr. Jimos for his long and active business and public life, and wish him many more busy and active years.

Read and adopted.

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

Whereas, the village of Glenbeulah, a picturesque community in the town of Greenbush, lies immediately north of the Kettle Moraine State Forest; and

Whereas, the scenic beauty of that region has been enjoyed by residents and visitors alike for well over a century; and

Whereas, in keeping with this tradition and the continuing development of the Kettle Moraine area, and as a gesture of true hospitality, the village of Glenbeulah has declared itself "The Northern Gateway to the Kettle Moraine State Forest"; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator Keppler and Representative Boeckmann, under Joint Rule 26, do hereby commend the village of Glenbeulah, The Northern Gateway to the Kettle Moraine State Forest, on this most appropriate designation.

**Read and adopted.**

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

Whereas, the city of Eau Claire has recently completed a comprehensive modernization of its downtown business district, formerly known as Barstow Street, now to be called Barstow Commons, a project involving replacement of water mains and extensions, sewer mains and extensions, installation of a separate storm sewer system and repavement of the street and sidewalk areas keyed to a master beautification plan, at a total cost of approximately \$600,000.00, shared between the city's general tax base and those businesses and property owners along Barstow Commons; and

Whereas, following the project's completion, members of the Eau Claire Downtown Development Association and the Barstow Commons Association are embarking on an effort to further beautify the area by storefront improvements and the removal of non-conforming signs; and

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Whereas, the Barstow Commons improvement is an outstanding example of effective cooperation between city officials, property owners and business people; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator Johnson and Representatives Looby and Mato, under Joint Rule 26, commend the Eau Claire Downtown Development Association, the Eau Claire Barstow Commons Association and the Greater Eau Claire Chamber of Commerce, and the members of each, for the outstanding display of initiative, cooperation and industry shown in the city of Eau Claire in planning and executing of the Barstow Commons Project.

Read and adopted.

Ordered immediately messaged.

Upon motion of Senator Risser, with unanimous consent, the senate recessed until 11:20 A.M.

10:55 A.M.

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RECESS

11:20 A.M.

The senate reconvened.

Upon motion of Senator Keppler, with unanimous consent, the senate recessed until 1:30 P.M.

11:21 A.M.

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RECESS

1:30 P.M.

The senate reconvened.

Upon motion of Senator Keppler, with unanimous consent, the senate recessed until 3:30 P.M.

1:31 P.M.

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RECESS

1548

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**3:30 P.M.**

**The senate reconvened.**

By request of Senator Knowles, with unanimous consent, the senate stood informal for ten minutes.

**3:31 P.M.**

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**3:40 P.M.**

**The senate reconvened.**

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

By request of Senator Chilsen, with unanimous consent, **Assembly Bill 1192** was withdrawn from the committee on Health and Social Services and considered for action at this time.

**Assembly Bill 1192**

An act to temporarily waive certain requirements for foreign physicians to practice in Wisconsin for Dr. Fiaz Choudhri.

Read a second time.

Ordered to a third reading.

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

**Assembly Bill 1192**

Read a third time and concurred in.

Ordered immediately messaged.

Senator Risser asked unanimous consent to withdraw **Senate Bill 713** from the joint committee on Finance and consider it for action at this time.

Senator Murphy objected.

Senator Risser moved that **Senate Bill 713** be withdrawn from the joint committee on Finance and referred to the calendar.



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Upon motion of Senator Johnson, with unanimous consent, the senate recessed until 4:50 P.M.

4:10 P.M.

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## **RECESS**

4:50 P.M.

The senate reconvened.

By request of Senator Keppler, with unanimous consent, the senate recessed until 5:25 P.M.

4:51 P.M.

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## **RECESS**

5:25 P.M.

The senate reconvened.

Senator Krueger 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:

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, Pelouquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—33.

The question was: Shall the current question be put?

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

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Ayes—Senators Bidwell, Chilsen, Cirilli, Devitt, Frank, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, Lorge, Lotto, Martin, Murphy, Parys, Roseleip, Soik and Steinhilber—20.

Noes—Senators Busby, Dorman, Kendziorski, LaFave, Lipscomb, Lourigan, McKenna, Peloquin, Risser, Schuele, Swan, Thompson and Whittow—13.

Absent or not voting—None.

The motion prevailed.

The question was: Shall **Senate Bill 713** be withdrawn from the joint committee on Finance and referred to the calendar?

Senator Johnson moved that the motion to withdraw **Senate Bill 713** from the joint committee on Finance and refer it to the calendar be laid on the table.

Senator Risser raised the point of order that Senator Johnson's move to table was out of order pursuant to **Senate Rule 77 (1)**.

The chair ruled the point of order well taken.

Senator Johnson raised the point of order that the motion to table takes precedence.

The chair ruled the point of order not well taken.

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

Ayes—Senators Bidwell, Cirilli, Dorman, Frank, Heinzen, Kendziorski, Knowles, Lipscomb, Lorge, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Soik, Thompson and Whittow—19.

Noes—Senators Busby, Chilsen, Devitt, Hollander, Johnson, Keppler, Knutson, Krueger, LaFave, Lotto, Murphy, Roseleip, Steinhilber and Swan—14.

Absent or not voting—None.

The motion prevailed.

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

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Senator Johnson asked unanimous consent that Senate Bill 713 be withdrawn from the calendar and considered for action at this time.

Senator Keppler objected.

Senator Keppler asked unanimous consent to return to the fifth order of business.

Senator Roseleip objected.

Senator Hollander moved that Senate Bill 713 be considered for action at this time.

Senator Chilsen moved that the motion to consider Senate Bill 713 for action at this time be laid on the table.

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

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Heinzen, Keppler, LaFave, Murphy and Swan—10.

Noes—Senators Dorman, Frank, Hollander, Johnson, Kendziorski, Knowles, Knutson, Krueger, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Thompson and Whittow—23.

Absent or not voting—None.

The motion did not prevail.

The question was: Shall Senate Bill 713 be considered for action at this time?

Senator LaFave raised the point of order that a two-thirds majority vote was required to take up Senate Bill 713 out of order.

The chair ruled the point of order well taken.

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

Ayes—Senators Dorman, Frank, Hollander, Johnson, Kendziorski, Knowles, Knutson, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—23.

Noes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt,

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**Heinzen, Keppler, Krueger, LaFave and Murphy—10.**

**Absent or not voting—None.**

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

**Senate Bill 713**

**Relating to state tax sharing with local units of government and the sites allocation and apportionment of business income.**

**Read a second time.**

**Senator Keppler moved the previous question.**

**Senator Risser asked unanimous consent that the senate stand informal for five minutes.**

**Senator Krueger objected.**

**The question was: Shall the question be put on Senate Bill 713?**

**The ayes and noes were required and the vote was: ayes 11; noes, 22; absent or not voting, 0; as follows:**

**Ayes—Senators Chilsen, Devitt, Frank, Keppler, Knutson, Krueger, LaFave, Lorge, Lotto, Steinhilber and Swan—11.**

**Noes—Senators Bilwell, Busby, Cirilli, Dorman, Heinzen, Hollander, Johnson, Kendziorski, Knowles, Lipscomb, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Thompson and Whittow—22.**

**Absent or not voting—None.**

**The motion did not prevail.**

**Senator Steinhilber moved indefinite postponement of Senate Bill 713.**

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**QUORUM CALL**

**Senator Lipscomb suggested the absence of a quorum.**

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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, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—32.

Absent—Senator McKenna—1.

A quorum was present.

Senator Parys moved to adjourn until 10:00 A.M. Wednesday, August 25 and asked for a roll call vote.

Senator Knutson 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, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—33.

The ayes and noes were demanded and the vote was: ayes, 8; noes, 25; absent or not voting, 0; as follows:

Ayes—Senators Bidwell, Cirilli, Dorman, Frank, Martin, Parys, Peloquin and Thompson—8.

Noes—Senators Busby, Chilsen, Devitt, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Murphy, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Whittow—25.

Absent or not voting—None.

The motion did not prevail.

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

Senator Kendziorski in the chair.

6:50 P.M.

Senator LaFave asked unanimous consent that Senate Bill 713 be rereferred to joint committee on Finance.

Senator Risser objected.

The president of the senate in the chair.

7:45 P.M.

Senator Kendziorski in the chair.

8:05 P.M.

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 president of the senate in the chair.

8:10 P.M.

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, Soik, Steinhilber, Swan, Thompson and Whittow—33.

Senator LaFave raised the point of order that Senate Bill 713 was not properly before the senate, as the bill had no fiscal note attached as required by chapter 17 of the 1971 statutes.

The chair ruled the point of order not well taken.

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Senator Steinhilber appealed the ruling of the chair.

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

By request of Senator Chilsen, with unanimous consent, the chief clerk was directed to read chapter 17 of the 1971 statutes relating to fiscal notes required on bills pertaining to local government fiscal effects.

The ayes and noes were required and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

**Ayes**—Senators D o r m a n, Frank, Hollander, Johnson, Kendziorski, Knowles, Lipscomb, Lotto, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Soik, Thompson and Whittow—18.

**Noes**—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Heinzen, Keppler, Knutson, Krueger, LaFave, Lorge, Murphy, Roseleip, Steinhilber and Swan—15.

**Absent or not voting**—None.

The ruling of the chair was **sustained**.

### Senate Bill 713

The question was: Indefinite postponement?

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

**Ayes**—Senators Busby, Devitt, Keppler, Knutson, LaFave, Lorge, Lotto, McKenna, Martin, Murphy, Roseleip, Steinhilber and Swan—13.

**Noes**—Senators Bidwell, Chilsen, Cirilli, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Knowles, Krueger, Lipscomb, Lourigan, Parys, Peloquin, Risser, Schuele, Soik, Thompson and Whittow—20.

**Absent or not voting**—None.

The motion did not prevail.

The question on which the call of the senate was put having been resolved the call was raised.

Senate substitute amendment 1 to **Senate Bill 713** offered by Senator Knutson.

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Senator Dorman in the chair.

8:30 P.M.

Senator Whittow asked unanimous consent that senate substitute amendment 1 be treated as a simple amendment.

Senator Roseleip objected.

Senator Whittow moved that senate substitute amendment 1 be treated as a simple amendment.

Senator Knutson 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, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Pelouquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—33.

Senator Risser raised the point of order that senate substitute amendment 1 was not properly before the senate.

The chair ruled the point of order not well taken.

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

President of the senate in the chair.

8:40 P.M.

The chair ruled the point of order not well taken.

The question was: Shall senate substitute amendment 1 to Senate Bill 713 be treated as a simple amendment?

The ayes and noes were required and the vote was: ayes, 8; noes, 25; absent or not voting, 0; as follows:

Ayes—Senators Dorman, Kendziorski, Lipscomb, Louri-



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gan, Parys, Risser, Schuele and Whittow—8.

Noes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Frank, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, McKenna, Martin Murphy, Peloquin, Roseleip, Soik, Steinhilber, Swan and Thompson—25.

Absent or not voting—None.

Less than two-thirds having voted in the affirmative, the motion did not prevail.

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

Senator Risser asked unanimous consent that Senate Bill 713 be made a special order of business at 10:00 A.M. Wednesday, August 25.

Senator Keppler objected.

Senator Risser moved that Senate Bill 713 be made a special order of business at 10:00 A.M. Wednesday, August 25.

Senator Knowles raised the point of order that this would require a suspension of the rules.

The chair recessed the senate for five minutes.

8:50 P.M.

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### RECESS

8:55 P.M.

The senate reconvened.

The chair ruled the point of order well taken.

Senator Risser asked unanimous consent that Senate Bill 713 be made a special order of business at 12:00 Noon Thursday, August 26.

Senator Swan objected.

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Senator Risser moved that **Senate Bill 713** be made a special order of business at 12:00 Noon, Thursday, August 26.

By request of Senator Keppler, with unanimous consent, the senate adjourned in honor of the birthdays of Senators Johnson and Whittow.

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Upon motion of Senator Keppler, with unanimous consent, the senate adjourned until 10:30 A.M. Wednesday, August 25.

9:00 P.M.

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### INTRODUCTION OF GUESTS

Senator Heinzen introduced Mr. and Mrs. Dick Derge and family, Marshfield, Wisconsin.

Senator Murphy introduced Mrs. R. Draeger and Holly Draeger, Hartford, Gail and Gavin McKerrow, Sussex, Pat Herbert and Marvin E. Pohl, Milwaukee, Wisconsin.

Senator Keppler introduced Mr. Joesph Frank, Esslingen, Germany, and Mr. Henry Prange, Johnsonville, Wisconsin.

Senator Devitt introduced Mrs. Maura Keane and her son Colm Keane of Youglal, County Cork, Ireland, currently visting a son Dr. Sean Keane, Milwaukee County, Wisconsin.

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### CHIEF CLERK'S REPORT

The chief clerk records:

#### **Senate Joint Resolution 22**

Correctly enrolled and filed in the office of the Secretary of State on Tuesday, August 24, 1971.