

STATE OF WISCONSIN
Senate Journal
Eighty-First Regular Session

TUESDAY, October 16, 1973.

10:00 A.M.

The senate met.

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

Prayer was offered by Major Ray Tregellas of the Salvation Army, Madison, Wisconsin.

Almighty God, Creator, Preserver and Governor of us all, who hast given us this good land for our heritage, we humbly beseech Thee, that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land with those things which make for peace in our time. Save us from violence, discord, and confusion; from pride and arrogance and from every evil way. Defend our liberties and fashion us into one united people, with liberty and justice for all.

Endow with the spirit of wisdom those to whom in Thy name we entrust the authority of government, that there may be justice and peace at home and through obedience to Thy law, we may show forth Thy praise among the nations of the earth.

In the time of prosperity, fill our hearts with thankfulness, and in days of trouble suffer not our trust in Thee to fail. We ask these things in the name of our Lord and Savior, Jesus Christ.

The senate remained standing and the president of the senate led the senate in the pledge of allegiance to the flag of the United States of America.

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

Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 31.

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Absent -- None.

Absent with leave -- Senators Kendziorski and LaFave -- 2.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 771

Relating to designating the Eau Claire river as a wild river.

By Senators Peloquin, Thompson, Johnson, McKenna and Bablitch, cosponsored by Representatives Looby, Baldus, Willkom and Oberle.

To committee on Natural Resources.

COMMITTEE REPORTS

The committee on Natural Resources reports and recommends for introduction:

Senate Bill 772

Relating to authorizing the department of natural resources to pay claims for well-disruption resulting from the Bayfield fish hatchery operations and making an appropriation.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Natural Resources.

and further recommends:

Senate Bill 39

Relating to regulation of mining of metallic ore, creating a mine reclamation council in the department of natural resources, providing penalties, granting rule-making power and making an appropriation.

Rejection of senate substitute amendment 1; Ayes, 5; Noes, 0.

Rejection of senate amendment 1 to senate substitute amendment 1; Ayes, 5; Noes, 0.

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

Rejection of senate amendment 2 to to senate substitute amendment 1; Ayes, 5; Noes, 0.

Adoption of senate substitute amendment 2; Ayes, 4; Noes, 1.

Adoption of senate amendment 1 to senate substitute amendment 2; Ayes, 4; Noes, 1.

Passage as amended; Ayes, 4; Noes, 1.

Assembly Bill 175

Relating to boating regulations, registration fees and procedures, state aids, granting rule-making authority and making an appropriation.

Concurrence; Ayes, 2; Noes, 2.

Without recommendation.

CLIFFORD W. KRUEGER

Chairman

The committee on Industry, Labor, Taxation and Banking reports and recommends for introduction:

Senate Joint Resolution 83

To amend article VIII, section 1 of the constitution, relating to assessment of real property at different rates (1st consideration).

By request of Andrew J. Puschnig, Assessor, Village of West Milwaukee.

Introduction; Ayes, 3; Noes, 2.

Read first time and referred to the committee on Industry, Labor, Taxation and Banking.

and further recommends:

FINCH, CLAIR L., of Madison, as a member of the Tax Appeals Commission, to succeed himself, to serve for the term ending March 1, 1979.

Confirmation; Ayes, 5; Noes, 0.

MARKS, RICHARD S., of Madison, as a member of the Investment Board, to succeed James Lundberg, to serve for the term ending May 1, 1979.

Confirmation; Ayes, 5; Noes, 0.

RING, GERALD J., of Madison, as a member of the Credit Union Review Board to succeed himself, to serve for the term ending May 1, 1978.

Confirmation; Ayes, 5; Noes, 0.

Senate Bill 168

Relating to enlargement of the permissible lending area for savings and loan associations.

Adoption of senate substitute amendment 1; Ayes, 5; Noes, 0.

Passage as amended; Ayes, 5; Noes, 0.

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Senate Bill 451

Relating to release of funds to public works and building contractors.

Adoption of senate amendment 1; Ayes, 4; Noes, 1.

Adoption of senate amendment 2; Ayes, 5; Noes, 0.

Adoption of senate amendment 3; Ayes, 5; Noes, 0.

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

Passage as amended; Ayes, 3; Noes, 2.

Senate Bill 493

Relating to recodification of the prison industries law, and making an appropriation.

Adoption of senate amendment 1; Ayes, 5; Noes, 0.

Passage as amended; Ayes, 5; Noes, 0.

Assembly Bill 265

Relating to wage rates in municipal public works projects.

Concurrence; Ayes, 3; Noes, 2.

Assembly Bill 499

Relating to enforcement of the fair employment law.

Adoption of senate amendment 1; Ayes, 5; Noes, 0.

Noncurrence; Ayes, 3; Noes, 2.

Assembly Bill 553

Relating to various alterations in the regulation of savings and loan associations.

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 694

Relating to protecting grade crossings.

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 951

Relating to maximum distance of drive-up windows from the main office of the bank.

Concurrence; Ayes, 5; Noes, 0.

EVERETT V. BIDWELL
Chairman

The committee on Health, Education and Welfare reports and recommends:

Senate Bill 147

Relating to assaults by prisoners.

Passage; Ayes, 6; Noes, 0.

Senate Bill 524

Relating to general relief hearings.

Adoption of senate substitute amendment 1; Ayes, 6; Noes, 0.

Passage as amended; Ayes, 6; Noes, 0.

Senate Bill 657

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

Passage; Ayes, 6; Noes, 0.

Senate Bill 658

Relating to practical nursing.

Indefinite postponement; Ayes, 2; Noes, 2.

Passage; Ayes, 2; Noes, 2.

Without recommendation.

Senate Bill 667

Relating to departmental hearing and review under public assistance claims.

Passage; Ayes, 6; Noes, 0.

Senate Bill 668

Relating to the providing of medical psychotherapy.

Passage; Ayes, 6; Noes, 0.

Senate Bill 669

Relating to revocation of optometrist licenses for failure to pay fees.

Passage; Ayes, 6; Noes, 0.

Senate Bill 688

Relating to payment of state aids to vocational, technical and adult education districts for residents enrolled in out-of-state schools.

Passage; Ayes, 6; Noes, 0.

Assembly Bill 15

Relating to educational objectives, special courses and instruction and textbook requirements in the Milwaukee school system.

Concurrence; Ayes, 6; Noes, 0.

Assembly Bill 239

Permitting 16 to 18 year olds to be excused from full-time school attendance to participate in school-work training programs.

Adoption of senate amendment 1; Ayes, 6; Noes, 0.

Concurrence; Ayes, 6; Noes, 0.

Assembly Bill 412

Relating to permitting a pregnant girl to withdraw from school and prohibiting school authorities from ordering her to withdraw.

Adoption of senate substitute amendment 1; Ayes, 5; Noes, 1.

Concurrence as amended; Ayes, 5; Noes, 1.

Assembly Bill 550

Relating to supervision of school nurses and dentists and granting rule-making authority.

Adoption of senate amendment 1; Ayes, 6; Noes, 0.

Concurrence; Ayes, 6; Noes, 0.

Assembly Bill 559

Relating to toilets for handicapped persons in public buildings.

Concurrence; Ayes, 6; Noes, 0.

Assembly Bill 573

Relating to confidentiality and maintenance of public school pupil records and granting rule-making authority.

Concurrence; Ayes, 6; Noes, 0.

Assembly Bill 703

Relating to eligibility of a wife for aid to families with dependent children when the husband is incarcerated pending or subsequent to a trial or sentencing.

concurrency; Ayes, 5; Noes, 1.

Assembly Bill 714

Relating to penalty for locking toilets.

Indefinite postponement; Ayes, 2; Noes, 2.

Without recommendation.

Assembly Bill 751

Relating to placement of children in foster homes.

Concurrence; Ayes, 5; Noes, 1.

Assembly Bill 953

Relating to services performed by barbers.

concurrency; Ayes, 6; Noes, 0.

Assembly Bill 972

Relating to regulation of model airplane glue and providing a penalty.

Adoption of senate amendment 1; Ayes, 6; Noes, 0.

Concurrence; Ayes, 6; Noes, 0.

Assembly Joint Resolution 44

Urging school districts to provide outdoor classrooms.

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Adoption; Ayes, 4; Noes, 1.

Assembly Joint Resolution 70

Directing the legislative council to study the feasibility of retaining Wisconsin's compulsory school attendance law.

Adoption; Ayes, 6; Noes, 0.

Assembly Joint Resolution 83

Memorializing the Congress and the President of the United States to restore library assistance funding under Title II of the Elementary and Secondary Education Act.

Adoption; Ayes, 6; Noes, 0.

Assembly Joint Resolution 88

Petitioning congress to develop appropriate legislation granting renters of residential property a federal income tax deduction for rental payments.

Adoption; Ayes, 6; Noes, 0.

Senate Bill 722

Relating to requiring issuance and use of photo identification cards for public assistance applicants.

Adoption of senate substitute amendment 1; Ayes, 6; Noes, 0.

Adoption of senate amendment 1 to senate substitute amendment 1; Ayes, 6; Noes, 0.

Passage as amended; Ayes, 6; Noes, 0.

JAMES C. DEVITT

Chairman

The committee on Agriculture and Rural Development reports and recommends:

SCHMIDT, MR KENNETH, of Evansville, as a member of the State Board of Agriculture to succeed Wallace Jerome, to serve for the term ending May 1, 1979.

Confirmation; Ayes, 4; Noes, 1.

VEUM, MR. KERMIT, of Westby, to serve as a member of the State Board of Agriculture, to succeed Roger Biddick, to serve for the term ending May 1, 1979.

Confirmation; Ayes, 4; Noes, 1.

Senate Bill 610

Relating to control of swamp fever and providing a penalty.

Passage; Ayes, 4; Noes, 0.

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Senate Bill 639

Relating to registration and inspection of livestock brands, granting rule-making authority, setting penalties and providing an appropriation.

Adoption of senate substitute amendment 2; Ayes, 4; Noes, 0.

Passage as amended; Ayes, 4; Noes, 0.

Senate Joint Resolution 39

Relating to dairy imports.

Adoption; Ayes, 4; Noes, 0.

Assembly Bill 319

Relating to standard milk product containers.

Concurrence; Ayes, 4; Noes, 0.

Assembly Bill 634

Prohibiting the administration to horses of drugs which could affect their performance in a horse pulling contest and providing a penalty.

Concurrence; Ayes, 4; Noes, 0.

Assembly Bill 883

Relating to inspection of animals, poultry and carcasses.

Adoption of senate amendment 1; Ayes, 4; Noes, 0.

Concurrence as amended; Ayes, 4; Noes, 0.

Assembly Bill 956

Relating to germination testing of seeds in hermetically sealed containers.

Concurrence; Ayes, 4; Noes, 0.

Assembly Bill 957

Requiring certification of certain seed.

Concurrence; Ayes, 4; Noes, 0.

Assembly Joint Resolution 14

Requesting the President to restore the rural environmental assistance program to the full level appropriated by congress.

Concurrence; Ayes, 4; Noes, 0.

Assembly Joint Resolution 76

Memorializing congress to prevent a further increase in cheese imports.

Concurrence; Ayes, 4; Noes, 0.

WALTER JOHN CHILSEN
Chairman

PETITIONS AND COMMUNICATIONS

Senate Petition 173

Through a formal resolution the Holy Rosary Council 1864 petition the legislature to support legislation asking the United States Congress to set aside the effect of the January 22 ruling of the United States Supreme Court denying protection of life to the unborn. We request that you support the move for a constitutional amendment which would guarantee the right to life to the unborn. We also urge you to support a legislative initiative which would restrict the appellate jurisdiction of the United States Supreme Court with regard to the issue of abortion. This latter move conforms to article 3, section 2 of the United States Constitution.

By Senator Roseleip.

Read and referred to the committee on Health, Education and Welfare.

Senate Petition 174

A petition by 23 citizens of the 33rd Senate District of Waukesha County protesting Senate Bill 422 relating to change of requirements to obtaining real estate brokers and salesmen's licenses.

By Senator Murphy.

Read and referred to the committee on Industry, Labor, Taxation and Banking.

Senate Petition 175

A petition by constituents of the 18th Senatorial District opposing Senate Bill 673; Assembly Bills 670, 1181 and 1206.

By Senator Hollander.

Read and referred to the committee on Industry, Labor, Taxation and Banking.

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State of Wisconsin
Department of State

October 16, 1973.

To The Honorable The Senate

Gentlemen:

I have the honor to transmit to you pursuant to s.13.67 (2), a list of the registered lobbyists for the period beginning on October 9, 1973 and ending on October 16, 1973.

Yours very truly,
ROBERT C. ZIMMERMAN
Secretary of State

Name, Address and Occupation of Lobbyist -- Name and Address of Employer -- Subject of Legislation -- Date of Employment.

James P. Buckley, Public Relations, 520 Prospect Ct., Waukesha--Animal Protective League, 2130 N. 106th St., Milwaukee--Animal Welfare--October 9, 1973

James W. Wimmer, Jr., Lobbyist, 1030 Sherman Ave., Madison--Independent Liquor Wholesalers of Wisconsin, P.O. Box 1482, Madison--Liquor wholesaling--October 10, 1973

H. E. Halverson, Management, 16620 W. North Ave., Brookfield--Wisconsin Music Merchants Association, Inc. 430 Nelson Pl., LaCrosse--Music merchants and related legislation--October 12, 1973

Keith A. Kruel, Department Commander, P.O. Box 21, R.R. 2, Fennimore--Wisconsin American Legion, 812 E. State St., Milwaukee--Veterans--October 12, 1973

Robert M. Frautschy, Department Legislative Chairman, P.O. Box 221, Marshfield--Wisconsin American Legion, 812 E. State St., Milwaukee--Veterans--October 12, 1973

James D. Boullion, Public Relations, 6410 Olympic Dr., Madison--Hayward Lakes Association, Hayward--Tourism Industry--October 12, 1973

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State of Wisconsin
Claims Board

October 10, 1973

Mr. William Nugent
Senate Chief Clerk
State Capitol
Madison, Wisconsin

Dear Mr. Nugent:

Enclosed is a copy of the report and recommendation of the State Claims Board covering claims heard on August 28, 1973.

The amounts recommended for payment on claims included in this report have, therefore, under the provisions of s.16.007, Wisconsin Statutes, been paid directly by the Board.

This report is for the information of the Legislature. The Board would appreciate your acceptance and spreading of it upon the Journal to inform the members of the Legislature as to the nature of the claims which come before it for consideration.

Sincerely,
DONALD STERLINSKE
Secretary

BEFORE THE CLAIMS BOARD OF WISCONSIN

Hearings were held at Madison, Wisconsin, on August 28, 1973, upon the following claims:

<i>NAME OF CLAIMANT</i>	<i>AMOUNT OF CLAIM</i>
1.--Helen Januchowski	129.39
2.--Teeter-Warsh Co, Inc.	498.72
3.--City of Superior	452.67
4.--Debora Fischer	22.00
5.--Bradley J. Dresang	32.50
6.--David Denemark	70.00
7.--Kennard Buick Co.	178.83
8.--Roy Klink	25.00
9.--Rex. Cota	36.00
10.--Alan J. Lohman	38.51
11.--General Casualty Co.	618.19
12.--Barbara Bergman	1,983.13
13.--Northland Medical Ctr.	13,223.21
14.--Lamar Walker	664.45

THE BOARD FINDS:

1.--*Helen Januchowski*

Helen Januchowski seeks reimbursement for overpaid inheritance taxes relating to the death of her husband on August 27, 1971. The claimant lives at 3358-A South Ninth St., Milwaukee, Wisconsin. The real estate in the termination proceedings was appraised at full value instead of one-half value, causing the overpayment of inheritance taxes. However, the State's share of the overpayment was only \$121.92, and the balance of \$7.47 was overpaid to the County. The Board concludes that the claim in the amount of \$121.92 is one which the State should assume and pay on equitable principles.

2.--*Teeter-Warsh Co, Inc.*

The Teeter-Warsh Co., Inc., 849 North Third Street, Milwaukee, Wisconsin, claims reimbursement for the loss of a typewriter on or about December 4, 1972, which was under a rental contract with the Department of Veterans' Affairs at 2229 West Fond du Lac Ave., Milwaukee, Wisconsin. The loss was reported to the Milwaukee Police Department. The Board finds that the reasonable value of the machine which was lost is only \$150.00, the machine being a used 1959 or 1960 IBM Executive typewriter. The Board concludes that the claim adjusted to the amount of \$150.00 is one for which the State is legally liable and should pay.

3.--*City of Superior*

The City of Superior claims \$452.67 as reimbursement for extraordinary police services it provided at the University of Wisconsin-Superior campus on November 16, 1972. The claim has been reviewed by Chancellor K. W. Meyer and found to be necessary and reasonable. The services were necessary to assist in preventing damage to property and personal injury during a disturbance on that campus. Payment of the claim is recommended by the Board of Regents of the University of Wisconsin System. This Board concludes that the claim is one which the State should assume and pay on equitable principles.

4.--*Debora Fischer*

Debora Fischer of 626 Langdon St., Madison, Wisconsin, claims \$22.00 to reimburse her for damage done to her shoes and pants on November 22, 1972, at the Gordon Snack Bar kitchen on the campus of the University of Wisconsin when a handle broke off a bucket being lifted by another person in her vicinity. About four gallons of grease spilled on her shoes and her pant legs. The Board

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concludes that the claim is one which the State should assume and pay on equitable principles.

5.--*Bradley J. Dresang*

Bradley Dresang of Whitewater, Wisconsin, claims \$32.50 to reimburse him for glasses which were damaged on or about October 5, 1972, at the University Center of the Whitewater campus while he was working as a night manager. During his confrontation with a student who was observed knocking ceiling tiles out with his fist, a friend of the student hit the claimant causing his glasses to break. His loss was incurred in an attempt to prevent damage to state property while carrying out his duties as a state employee. The Board concludes the claim is one which the State should assume and pay on equitable principles.

6.--*David L. Denemark*

David L. Denemark of Whitewater, Wisconsin, claims \$70.00 to reimburse him for two photographs which were on display at the University Center between November 27, 1972, and December 5, 1972. The mounted photographs were stolen while on display. The Board concludes the claim is one which the State should assume and pay on equitable principles.

7.--*Kennard Buick Co.*

The Kennard Buick Co. claims reimbursement of \$178.83 for damage to one of its jeeps by a student member of the University of Wisconsin at LaCrosse golf team. The student was working at the claimant's garage along with other members of the golf team to raise funds to enable the golf team to participate in an out-of-state golf tournament. The Board concludes that this particular claim is one which the State should assume and pay on equitable principles. However, in the future, the Board does not feel that the State should pay for such damages caused by students participating in such endeavors.

8.--*Roy Klink*

Roy Klink of 1009 E. Klubertanz Dr., Sun Prairie, Wisconsin, claims \$25.00 to reimburse him for the expense of having tar and other substances removed from his automobile on or about December 29, 1972, because of a poor condition existing on Highway 19 between Highways 51 and 151. The Board concludes that the claim is one which the State should assume and pay on equitable principles.

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9.--*Rex Cota*

Rex Cota of Route 1, Box 133, DeForest, Wisconsin, claims \$36.00 to reimburse him for the removal of tar and other substances from his automobile on or about October 20 to December 20, 1972, because of the poor condition which existed on Highway 19 between Token Creek and Sun Prairie. The Board concludes that the claim is one which the State should assume and pay on equitable principles.

10.--*Alan J. Lohman*

Alan Lohman of 115 Harrison Ave., Waukesha, Wisconsin, claims \$38.51 to reimburse him for the expense of having his watch repaired and for sunglasses which were damaged on or about May 21, 1972, on Highway I-94 near Highway 83. The claimant was at the scene of a car fire and got burned when the gas tank exploded. The claimant is a state patrol officer and was attempting to render assistance at the scene of the accident. The Board concludes that the claim is one which the State should assume and pay on equitable principles.

11.--*General Casualty Co.*

General Casualty Co. of Wisconsin claims reimbursement of \$568.19 for a claim it paid to the foster father of Clarence Skinner as the result of an accident occurring on or about November 28, 1972, in Wisconsin Rapids. Clarence Skinner, age 15, was a ward of the State of Wisconsin and took his foster father's automobile without his permission in an attempt to escape his foster home. The State is not liable for damages inflicted by its wards while on escape status. The loss incurred was a risk assumed by the insurance company. The Board concludes the claim is not one for which the State is legally liable nor one which the State should assume and pay on equitable principles.

12.--*Barbara Bergman, D. C.*

Barbara Bergman, D.C., Rhinelander, Wisconsin, claims damages of \$1,983.13 allegedly caused by an inspector of the State of Wisconsin during the course of his inspection of her X-ray unit on July 27, 1971. The testimony of the inspector, Vincent R. Arts, has satisfied this Board that his inspection did not contribute to the damages caused to the claimant's X-ray unit. His routine inspection consisted of approximately 10 exposures at wide time intervals at machine settings for a typical lumbar spine radiograph. Other than for these brief exposures, the machine was in the standby mode of operation during the entire inspection. The inspection lasted for approximately 30 minutes. The machine was checked to make sure that there was not abnormal operation during the time it was on standby mode. The Board concludes the claim is not one for which the State is legally liable, and not one which the State is legally liable, and not one which on equitable principles the State should assume and pay.

13.--*Northland Medical Centers, Inc.*

Northland Medical Centers, Inc. doing business as Northland Care Center at 212 W. Wisconsin Ave., Milwaukee, Wisconsin, claims damages of \$13,223.21 against the State of Wisconsin arising out of its operation of its Rice Lake Nursing Home from January 1, 1972 to March 31, 1972. Prior to the enactment of Ch. 125, Laws of 1971, effective November 4, 1971, nursing homes were reimbursed for public patients on a reasonable charge basis. With the enactment of the new law, the legislature provided for a flat rate payment retroactive to November 4, 1971. The Department attempted to determine new rates under the new law by enacting rules which were subsequently determined to be invalid by the Dane County Circuit Court in an action brought by the claimant. On the other hand, the claimant in reliance upon the validity of the same rules, changed his entire nursing home operation effective January 1, 1972. Claimant no longer attempted to qualify under the Title 19 program, and proceeded to provide the lower standard of care and skill required of those institutions who do not qualify under the Title 19 program. The claimant seeks reimbursement for services which it did not perform, since it did not provide Title 19 services from January 1, 1972 through March 31, 1972. The claimant has been reimbursed in the amount of \$8,282.03 for the period of November 4, 1971, through December 31, 1971. Claimant made to attempt to present its grievance at the Advisory Rate Board of the Department of Health and Social Services. The claimant is the only nursing home out of

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approximately 280 similar nursing homes in the State of Wisconsin which abandoned its Title 19 program during this period. The Board concludes the claim is not one for which the state is legally liable and that the claim is not one which on equitable principles the state should assume and pay.

14.--*Lamar Walker*

Lamar Walker of P.O. Box C, Waupun, Wisconsin, claims damages in the amount of \$664.45 for two suitcases containing clothing which disappeared from the office of the Warden at the Winnebago State Farm on or about January 1, 1973. Some of the clothes were replaced through the volunteer services facilities of the Winnebago State Hospital. The Board concludes that the reasonable value of the loss to the claimant is \$300.00. The Board concludes that the claim adjusted to \$300.00 is one which the State should assume and pay on equitable principles.

THE BOARD CONCLUDES:

1. The claims of the following named claimants should be denied:

General Casualty Company of Wisconsin
Barbara Bergman, D. C.
Northlan Medical Center, Inc.

2. Payment of the following amounts to the following claimants, respectively, is justified under sec. 16.007(6), Stats.:

Helen Januchowski	121.92
Teeter-Warsh Co., Inc.	150.00
City of Superior	452.67
Debora Fischer	22.00
Bradley Dresang	32.50
David Denemark	70.00
Kennard Buick Company	178.83
Roy Klink	25.00
Rex Cota	36.00
Alan Lohman	38.51
Lamar Walker	300.00

Dated at Madison, Wisconsin, this 19th day of September, 1973.

WALTER G. HOLLANDER,
Chairman, Joint Finance
Committee

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RAYMOND J. TOBIAS,
Vice Chairman, Joint Finance
Committee

C. NICKERSON EGAN,
Representative of the Govern-
or

DONALD STERLINSKE,
Representative of the Secre-
tary of Administration

ALLAN P. HUBBARD,
Representative of the Attorn-
ey General

MESSAGE FROM THE ASSEMBLY

By Thomas S. Hanson, 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 Representatives Barbee and Berger; cosponsored by Senators Risser and Petri for THE MILWAUKEE SYMPHONY ORCHESTRA on the occasion of its 15th Anniversary Season.

and

Assembly Joint Resolution 112

and

Passed and asks concurrence in:

Assembly Bill 857

Assembly Bill 922

Concurred in:

Senate Joint Resolution 82

MESSAGE FROM THE ASSEMBLY CONSIDERED

Motion Under Joint Rule 26:

A Joint Certificate of Commendation by Representatives Barbee and Berger; cosponsored by Senators Risser and Petri for THE MILWAUKEE SYMPHONY ORCHESTRA on the occasion of its 15th Anniversary Season.

Read and concurred in.

Assembly Joint Resolution 112

Relating to declaring the week of October 7 to 13 as "Employ the Handicapped Week" and designating October 11 as "Awareness Day".

By Representatives WAHNER, DONOGHUE, JACKAMONIS, BERGER, JOHNSON, PABST and AZIM; co-sponsored by Senator BIDWELL.

Read.

Considered as privileged and taken up.

Concurred in.

Assembly Bill 857

Relating to a referendum on borrowing or promissory notes by vocational, technical and adult education districts.

By Representatives GROVER, FERRALL, CYRAK, SANASARIAN, SENSENBRENNER, ROGERS, BERGER, DUREN, QUACKENBUSH and EARL; co-sponsored by Senators DEVITT, WHITTOW, PELOQUIN, KEPPLER and CHILSEN.

Read first time and referred to committee on Health, Education and Welfare.

Assembly Bill 922

Relating to the creation of a Wisconsin solid waste reclamation authority, granting rule-making authority and making an appropriation.

By Representatives CONTA, EARL, ANDERSON, WAHNER, SENSENBRENNER, MITTNESS, BYERS, GIESE, WILLKOM and SCHNEIDER; co-sponsored by Senators KASTEN, JOHNSON, MURPHY, KNOWLES, CHILSEN, BABLITCH, STEINHILBER and KRUEGER.

Natural Resources.

MOTIONS

Senator Hollander asked unanimous consent that **Senate Bill 733** be withdrawn from the joint committee on Finance and placed on the calendar.

Senator Risser objected.

By request of Senator Risser, with unanimous consent, the senate recessed until 11:05 A.M.

10:25 A.M.

RECESS

11:05 A.M.

The senate reconvened.

LEAVE OF ABSENCE

By request of Senator Dorman, with unanimous consent, he was granted a leave of absence for October 18 at 4:00 P.M..

By request of Senator Whittow, with unanimous consent, senate amendment 7 to **Senate Bill 280** was withdrawn and returned to the author.

By request of Senator Risser, with unanimous consent, **Senate Bill 280** was placed on the calendar of January 30, 1974.

Senator Roseleip asked unanimous consent that **Senate Joint Resolution 48** be taken from the calendar of January 30, 1974 and considered for action at this time.

Senator Whittow objected.

Senator Roseleip moved that **Senate Joint Resolution 48** be taken from the calendar and considered for action at this time.

Senator Whittow 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 Bablitch, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFollette, Lorge, Martin, Murphy, Parys, Petri, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 27.

Absent -- Senators Bidwell, LaFave, McKenna, Peloquin and Risser -- 5.

Absent with leave -- Senator Kendziorski -- 1.

Senator Roseleip moved that **Senate Joint Resolution 44** be taken from the calendar of January 30, 1974 and considered for action at this time.

Senator Whittow moved a

CALL OF THE SENATE

Which motion was supported.

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

By request of Senator Johnson, with unanimous consent, the previous roll call on the call of the senate was also used as the roll call on **Senate Joint Resolution 44**.

Senator Roseleip asked unanimous consent that **Senate Joint Resolution 47** be taken from the calendar of January 30, 1974 and considered for action at this time.

Senator Whittow objected.

By request of Senator Roseleip, with unanimous consent, his motions to withdraw **Senate Joint Resolutions 48** and **44** from the calendar were withdrawn.

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

Senator Lorge asked unanimous consent that **Senate Bill 280** be withdrawn from the calendar of January 30, 1974 and be referred to the calendar of April 27, 1973.

Senator Risser objected.

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Vice-president of the senate in the chair.

11:30 A.M.

Senator Lorge moved that **Senate Bill 280** be withdrawn from the calendar of January 30, 1974 and be referred to the calendar of April 27, 1973.

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 Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 31.

Absent -- Senator Kasten -- 1.

Absent with leave -- Senator Kendziorski -- 1.

Senator Johnson moved that the rules be suspended and the senate advance to the eleventh order of business.

The ayes and noes were required and the vote was: ayes, 30; noes, 2; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, McKenna, Martin, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 30.

Noes -- Senators Lorge and Murphy -- 2.

Absent or not voting -- Senator Kendziorski -- 1.

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

CALENDAR OF MAY 8

Assembly Joint Resolution 1

Relating to taxation of agricultural land and undeveloped land (2nd consideration).

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Read a second time.

The question was: Adoption of senate amendment 1?

Senator Hollander moved rejection.

Senator Lorge called the chair's attention to the fact that all members being present the question was: Shall the rules be suspended and **Senate Bill 280** be withdrawn from the calendar of January 30, 1974 and referred to the calendar of April 27, 1973?

Senator Johnson asked unanimous consent that the call be raised.

Senator Lorge objected.

Senator Johnson moved that the call be raised.

The motion prevailed.

By request of Senator Johnson, with unanimous consent, the senate recessed until 2:00 P.M.

12:00 Noon

RECESS

2:00 P.M.

The senate reconvened.

By request of Senator Johnson, with unanimous consent, the senate returned to the eighth order of business.

MOTIONS UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Richardson Industries, Inc. and Richardson Brothers Company, Inc. are this year celebrating their 125th anniversary, being one of Wisconsin's oldest industries; and

Whereas, the company was founded by Joseph E. Richardson in 1845, before Wisconsin achieved statehood; and

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Whereas, the business began with a sawmill and lumber yard and has expanded throughout the years to include the manufacture of chars, roof trusses for commercial and residential use, and building supplies; and

Whereas, Richardson Brothers Company is recognized nationally as a Wisconsin leading manufacturer of dining room furniture; and

Whereas, the Richardson family has, for five generations, maintained a policy consistent with sound land use and ecological protection, safeguarding the future timber resources of this country; and

Whereas, Joseph E. Richardson, great grandson of the founder of the pioneer J. Richardson Co. sawmill, is a pioneer in his own right in the field of aeronautics; and

Whereas, Mr. Richardson joined the staff of the Kohler Airport in the early 30's engaging in barnstorming, commercial flights, flight instruction, and aerial photography; and

Whereas, it was Mr. Joseph Richardson whose foresight was the initiative for the development of three new Richardson Industries in the 20th century; and

Whereas, Mr. Joseph Richardson has been an active force in his community and the lumber industry; now, therefore, The Memers of the Wisconsin Legislature, on the motion of Senator Keppler, under Joint Rule 26, congratulate Richardson Industries, Inc. and Richardson Brothers Co., Inc. for their many years of dedicated service to the people of this state and in honor of their 125th anniversary, and wish them continued success for many generations to come, and extend their heartiest congratulations to Joseph E. Richardson for his pioneering efforts in Wisconsin industry and aviation and his civic contributions.

Read and adopted.

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, On October 24, 1973, the Holy Cross Sisters of Merrill will celebrate the 50th Anniversary of the founding of their American Province; and

Whereas, this date coincides with the exact day in 1923 when Mother Aniceta Regli arrived in Merrill with a samll group of sisters and postulants to lay the groundwork for a novitiate and hospital; and

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Whereas, since their arrival, the Holy Cross Sisters have worked unselfishly to satisfy the educational, medical and spiritual needs of Merrill and Lincoln County; now, therefore, The Members of the Wisconsin Legislature, on the motion of Senators Krueger and Chilsen and Representative Donoghue, under Joint Rule 26, do hereby offer their heartfelt thanks for the services rendered to the people of Wisconsin and extend their heartiest congratulations to the Holy Cross Sisters of Merrill on the occasion of their 50th Anniversary in the United States.

Read and adopted.

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, the credit union movement had its start in Wisconsin 50 years ago with the incorporation of the first credit union on October 3, 1923; and

Whereas, the credit union idea began with a handful of people with a few dollars and has grown into a financial service of over 700 credit unions serving more than 680,000 Wisconsin residents; and

Whereas, credit unions provide low-cost consumer credit and encourage individual fiscal responsibility; and

Whereas, Governor Patrick Lucey has proclaimed October to be "Credit Union Month" in Wisconsin; now, therefore, The Members of the Wisconsin Legislature, on the motion of the entire membership of the Senate and Representative Anderson, under Joint Rule 26, hereby extend their heartiest congratulations to Wisconsin credit unions and their owner-members for providing helpful service to untold thousands of people in financial need and wish them continued success in this public service.

Read and adopted.

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Francis Steiner, Advisor of the Granton High School Future Farmers of American, is being honored at a silver anniversary banquet being held in Granton on Tuesday, October 23, 1973; and

Whereas, Mr. Steiner and his FFA Chapter has established a chapter record that annually rates as one of the best in the state and is recognized annually in the nation; now, therefore, The Members of the Wisconsin Legislature, on the motion of Senator

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Johnson and Representative Quackenbush, under Joint Rule 26, extend their congratulations to the Granton Future Farmers and their advisor, Francis Steiner for their excellent contribution to Wisconsin's most honorable and basic industries; the cultivations of land, production of livestock, food and fiber, and development of character among the youth of rural Wisconsin.

Read and adopted.

The question was: Shall Senate Bill 280 be taken from the calendar of January 30, 1974 and placed on the calendar of April 27?

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 Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 29.

Absent -- Senators Hollander, Petri and Schuele -- 3.

Absent with leave -- Senator Kendziorski -- 1.

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

The question was: Rejection of senate amendment 1 to Assembly Joint Resolution 1?

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.

By request of Senator McKenna, with unanimous consent, the previous roll on the call of the senate was used as the call on the question of rejection on the amendment to Assembly Joint Resolution 1 with the addition of Senator Hollander being recorded as present.

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Senator Parys called the chair's attention to the fact that all members being present the question before the senate was: Shall the rules be suspended and **Senate Bill 280** be withdrawn from the calendar of January 30, 1974 and be referred to the calendar of April 27, 1973?

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

Ayes -- Senators Bidwell, Chilsen, Devitt, Hollander, Johnson, Kasten, Keppler, Knutson, LaFave, Lorge, Martin, Murphy, Petri, Roseleip and Steinhilber -- 15.

Noes -- Senators Bablitch, Dorman, Flynn, Frank, Knowles, Krueger, LaFollette, McKenna, Parys, Peloquin, Risser, Schuele, Swan, J.D., swan, M., Theno, Thompson and Whittow -- 17.

Absent or not voting -- Senator Kendziorski -- 1.

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 on **Senate Bill 280**.

All members being present the question was: **Rejection of senate amendment 1 to Assembly Joint Resolution 1?**

Vice-president of the senate in the chair.

2:30 P.M.

LEAVE OF ABSENCE

By request of Senator Frank, with unanimous consent, he was granted a leave of absence at 4:00 P.M. for the balance of the day's session.

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

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFollette, Lorge, McKenna, Martin, Murphy, Peloquin, Petri, Roseleip, Swan, J.D., Theno and Thompson -- 22.

Noes -- Senators Dorman, Flynn, Frank, LaFave, Parys, Risser, Schuele, Steinhilber, Swan, M. and Whittow -- 10.

Absent or not voting -- Senator Kendziorski -- 1.

So 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.

Ordered to a third reading.

Senator Johnson asked unanimous consent that the joint resolution be considered for final action at this time.

Senator Risser objected.

Senator Johnson moved that **Assembly Joint Resolution 1** be considered for final action at this time.

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

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, Lorge, McKenna, Martin, Murphy, Petri, Roseleip, Swan, J.D., Theno and Thompson -- 20.

Noes -- Senators Dorman, Flynn, Frank, LaFave, LaFollette, Parys, Peloquin, Risser, Schuele, Steinhilber, Swan, M. and Whittow -- 12.

Absent or not voting -- Senator Kendziorski -- 1.

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

Senate Bill 96

Relating to creating a council on physician's assistants, requiring certification of physician's assistants and granting rule-making authority.

Read a second time.

The question was: Adoption of senate substitute amendment 4 to **Senate Bill 96**?

Senate amendment 1 to senate substitute amendment 4 to **Senate Bill 96** offered by Senator J. D. Swan.

Senate amendment 1 adopted.

Senator Petri moved rejection of senate substitute amendment 4.

The ayes and noes were demanded and the vote was: ayes, 3; noes, 29; absent or not voting, 1; as follows:

Ayes -- Senators Kasten, Krueger and Petri -- 3.

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Noes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Keppler, Knowles, Knutson, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 29.

Absent or not voting -- Senator Kendziorski -- 1.

So the motion did not prevail.

Senator Whittow asked unanimous consent that senate substitute amendment 4 be laid on the table.

Senator LaFollette objected.

Senator Knutson moved reconsideration of the vote by which senate amendment 1 to senate substitute amendment 4 to Senate Bill 96 was adopted.

Senator Knutson asked unanimous consent that the motion for reconsideration be laid on the table.

Senator Chilsen objected.

Senator Knutson moved that the motion for reconsideration be laid on the table.

The motion did not prevail.

The question was: Reconsideration of the vote by which senate amendment 1 to senate substitute amendment 4 was adopted.

The motion did not prevail.

Senator Whittow asked unanimous consent that senate substitute amendments 1, 2 and 4 be laid on the table.

Senator Chilsen objected.

By request of Senator Whittow, with unanimous consent, senate amendments 1 and 2 were laid on the table.

Senator Whittow moved that senate substitute amendment 4 to Senate Bill 96 be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 10; noes, 21; absent or not voting, 2; as follows:

Ayes -- Senators Kasten, Keppler, Knutson, Krueger, LaFave, Martin, Petri, Roseleip, Steinhilber and Whittow -- 10.

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Noes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Knowles, LaFollette, Lorge, McKenna, Murphy, Parys, Peloquin, Risser, Schuele, Swan, J.D., Theno and Thompson -- 21.

Absent or not voting -- Senators Kendziorski and Swan, M. -- 2.

So the motion did not prevail.

Senate amendment 2 to senate substitute amendment 4 to **Senate Bill 96** offered by Senator Whittow.

Senator Chilsen moved rejection.

The ayes and noes were demanded and the vote was: ayes, 20; noes, 10; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Johnson, Knowles, Krueger, Lorge, McKenna, Parys, Peloquin, Risser, Roseleip, Steinhilber, Swan, J.D., Swan, M., Theno and Thompson -- 20.

Noes -- Senators Hollander, Kasten, Keppler, Knutson, LaFave, Martin, Murphy, Petri, Schuele and Whittow -- 10.

Absent or not voting -- Senators Frank, Kendziorski and LaFollette -- 3.

So the motion prevailed.

Senate amendment 3 to senate substitute amendment 4 to **Senate Bill 96** offered by Senator McKenna.

By request of Senator Johnson, with unanimous consent, the senate returned to the fourth order of business.

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends for introduction:

Senate Resolution 29

Relating to consideration of matters pending in the senate.

Resolved by the senate, That in accordance with section 2 (4) (b) of 1973 Enrolled Assembly Joint Resolution 13 all matters under consideration by the senate, or referred to any senate or joint committee or laid on the table in the senate, shall be continued for further consideration after the recess of Floorperiod III; and, be it further

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Resolved, That the foregoing recital shall be deemed an enumeration on behalf of the senate of all matters for continued consideration of the senate.

Introduction; Ayes, 5; Noes, 0.

Read.

**ERNEST C. KEPPLER
Chairman**

By request of Senator Johnson, with unanimous consent, Senate Resolution 29 was considered for action at this time.

The question was: Adoption?

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

Ayes -- Senators Chilsen, Devitt, Dorman, Flynn, Hollander, Johnson, Keppler, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Swan, M., Theno, Thompson and Whittow -- 23.

Noes -- Senators Bablitch, Bidwell, Kasten, Knowles, Murphy, Petri, Steinhilber and Swan, J.D. -- 8.

Absent or not voting -- Senators Frank and Kendziorski -- 2.

So the resolution was adopted.

**REPORT OF COMMITTEE OF CONFERENCE
ON 1973 SENATE BILL 9
State Capitol
October 16, 1973**

The members of the Committee of Conference on 1973 Senate Bill 9 report and recommend:

- 1. That the Senate adhere to its position on assembly amendment 9;**
- 2. That the Senate adopt senate amendment 13 submitted with this report;**
- 3. That the Assembly recede from its position on assembly amendment 9; and**
- 4. That the Assembly concur in the bill as amended by senate amendment 13.**

**FRED A. RISSER
WALTER G. HOLLANDER
WALTER J. CHILSEN**

**ANTHONY J. EARL
MARY L. MUNTS
EARL McESSY**

AMENDMENTS OFFERED

Senate amendment 1 to **Assembly Bill 175** by Senator Krueger.

Senate amendment 13 to **Senate Bill 9** by the Committee on Conference.

Senate substitute amendment 1 to **Senate Bill 142** by Senator Frank.

Senate substitute amendment 1 to **Senate Bill 259** by Senators Devitt, Chilsen, Murphy and Whittow.

Senate amendment 1 to **Senate Bill 328** by Senators Krueger and Theno.

Senate amendment 1 to senate substitute amendment 1 to **Assembly Bill 538** by Senator Whittow.

Senate amendment 1 to **Senate Bill 676** by Senator Knutson, by request of Charles Richardson.

Senate amendment 1 to **Senate Bill 684** by Senators Devitt, LaFave and Peloquin.

Senate amendment 4 to **Senate Bill 727** by Senator Keppler.

Senate amendment 5 to **Senate Bill 727** by Senator Keppler.

Upon motion of Senator Johnson the senate adjourned until 10:00 A.M. Wednesday, October 17.

4:33 P.M.

INTRODUCTION OF GUESTS

Senator Knowles introduced Fred Potthoff, Judy Holmes, Ruth and Jane Oliver, Bob Cummins and Bob Wallen of Brainerd, Minnesota.

Senator Flynn introduced Mark Taylor of Wauwatosa, Wisconsin.

Senator Johnson introduced Valentine Birckowki, Gertrude Laszewski, Henry Binkowski, Molly DuFlow and Alice Lawson of Necedah, Wisconsin.

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Senator Hollander introduced Mr. Watson Sterk and Mrs. Westra, Westra Construction Co., Waupun, Wisconsin.

Senators Martin and LaFave introduced Ray Hronek, Alan Halverson and Leo T. Naedl of the Traffic Department of Manitowoc County.