

JOURNAL OF THE SENATE (October 17, 1973)

STATE OF WISCONSIN

# Senate Journal

Eighty-First Regular Session

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WEDNESDAY, October 17, 1973.

10:00 A.M.

The senate met.

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

Prayer was offered by Reverend Joseph Washington, Retired Baptist Minister of Madison, Wisconsin.

The senate remained standing and Senator Roseleip 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, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 32.

Absent -- None.

Absent with leave -- Senator Kendziorski -- 1.

President of the senate in the chair.

10:10 A.M.

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## BILLS INTRODUCED

Read first time and referred:

### Senate Bill 773

Relating to the crime of practicing hypnosis by unlicensed persons and providing a penalty.

By Senator Knutson, by request of Alastair Burnett, Ph.D. and Louis Stamps, Ph.D.

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To committee on Health, Education and Welfare.

**Senate Bill 774**

Relating to changing the name of the state nursery at Boscobel.

By Senators Knutson and Roseleip, by request of Jim Coxe.

To committee on Natural Resources.

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**COMMITTEE REPORTS**

The joint committee on Finance reports and recommends:

**Senate Bill 36**

Relating to creating a \$10 per acre excise tax on iron ore deposits, and establishing penalties.

Indefinite postponement; Ayes, 11; Noes, 2.

**Senate Bill 169**

Relating to the establishment of children's residential care and training centers for the developmentally disabled and county participation in funding for patients placed in such centers rather than in state colonies for the mentally retarded.

Adoption of senate substitute amendment 1; Ayes, 13; Noes, 1.

Passage as amended; Ayes, 12; Noes, 2.

**Senate Bill 170**

Relating to setting standards for adult group foster homes for the developmentally disabled and requiring licensing by the community developmental disabilities services board.

Adoption of senate substitute amendment 1; Ayes, 14; Noes, 0.

Passage as amended; Ayes, 13; Noes, 1.

WALTER G. HOLLANDER  
Chairman

The committee on Judiciary and Insurance reports and recommends:

**Senate Bill 434**

Relating to revisions in the probate code.

Adoption of senate amendment 1; Ayes, 3; Noes, 0.

Passage as amended; Ayes, 3; Noes, 0.

GERALD D. LORGE  
Chairman

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PETITIONS AND COMMUNICATIONS

**Senate Petition 176**

Authorizing and directing legislation be proposed to abolish state fiscal control of local municipalities.

By Senator Martin.

Read and referred to the joint committee on Finance.

The State of Wisconsin  
Legislative Reference Bureau  
Madison, Wisconsin

October 18, 1973

Honorable William P. Nugent  
Chief Clerk of the Senate  
State Capitol

Dear Mr. Nugent:

In preparing the analysis for the **Engrossed Assembly Bill 23**, we cited from the published fiscal note that enactment would "require 2 additional field investigators and a typist..."

That part of the analysis is in error; based on staff increases granted to the Department of Industry, Labor, and Human Relations in the 1973-75 budget such additional workload as the bill might create can be absorbed within the present augmented staff of the department.

The new information is based on a revised fiscal note, dated October 3, 1973, submitted by Commissioner John C. Zinos of the Department of Industry, Labor and Human Relations.

Because revised fiscal notes usually are not printed, and because we feel that the fiscal information cited in our analysis to **1973 Engrossed Assembly Bill 23** is in error, I would appreciate it if this letter and the attached fiscal note could be spread on the Senate Journal so that the information will be readily available to every person interested in this proposal.

Sincerely yours,  
**DR. H. RUPERT THEOBALD**  
Chief

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### Revised Fiscal Note to 1973 Assembly Bill 23

**FISCAL NOTE:** The bill has extended coverage to prohibit discrimination because of sex in the following areas:

Section	16.765 Wis. Stats.	State Contracts
Section	66.432 Wis. Stats.	Housing
Section	101.02 Wis. Stats.	Place of Employment
Section	101.22 Wis. Stats.	Housing
Section	103.23 Wis. Stats.	Street Trades
Section	103.67 Wis. Stats.	Caddies on Golf Course
Section 103.01-103.03	Wis. Stats.	Hours of Labor
Section 104.02-104.06	Wis. Stats.	Minimum Wage

It is estimated that extending coverage to prohibit sex discrimination will generate some additional complaints per year in the areas of State Contracts, Housing, Hours of Labor and Minimum Wage.

Since the original fiscal note was submitted, the Equal Rights Division was granted 7 additional positions with the passage of Assembly Bill 300. As a result, any additional complaints which may be generated by this bill can be absorbed within the present augmented staff.

October 3, 1973

Department of Industry,  
Labor, and Human Relations

JOHN C. ZINOS

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### MOTIONS

By request of Senator Kasten, with unanimous consent, he was added as a cosponsor of **Assembly Bill 589**.

Senator Hollander asked unanimous consent that **Senate Bill 770** be withdrawn from the joint committee on Finance and placed on the calendar.

Senator Risser objected.

Senator Hollander moved that **Senate Bill 770** be withdrawn from the joint committee on Finance and placed on the calendar.

Senator Hollander withdrew his motion.

Senator Johnson moved to suspend the rules and advance to the eleventh order of business.

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By request of Senator Risser, with unanimous consent, the senate recessed until 10:45 A.M.

10:30 A.M.

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RECESS

10:45 A.M.

The senate reconvened.

Senator Risser asked unanimous consent that the senate advance to the eleventh order of business.

Senator J. D. Swan objected.

The question was: Shall the senate advance to the eleventh order of business?

The ayes and noes were required and the vote was: ayes, 25; noes, 6; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Keppler, Knowles, Krueger, LaFave, LaFollette, McKenna, Martin, Parys, Peloquin, Risser, Roseleip, Steinhilber, Swan, M., Theno, Thompson and Whittow -- 25.

Noes -- Senators Kasten, Knutson, Lorge, Murphy, Petri and Swan, J.D. -- 6.

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

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

**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 amendment 3 to senate substitute amendment 4 to **Senate Bill 96**?

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

Senator Dorman objected.

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Senator Chilsen moved that senate substitute amendment 4 be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 16; noes, 16; absent or not voting, 1; as follows:

Ayes -- Senators Bidwell, Chilsen, Devitt, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, Martin, Murphy, Schuele, Steinhilber and Whittow -- 16.

Noes -- Senators Bablitch, Dorman, Flynn, Frank, LaFollette, Lorge, McKenna, Parys, Peloquin, Petri, Risser, Roseleip, Swan, J.D., Swan, M., theno and Thompson -- 16.

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

So the motion did not prevail.

The question was: Adoption of senate amendment 3 to senate substitute amendment 4 to **Senate Bill 96**?

Senate amendment 3 adopted.

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

Senate amendment 4 adopted.

Senate amendment 5 to senate substitute amendment 4 to **Senate Bill 96** offered by Senator Whittow.

Senator Dorman in the chair.

11:35 A.M.

Senator Hollander moved rejection of senate substitute amendment 4 to **Senate Bill 96**.

President of the senate in the chair.

11:40 A.M.

Senator Kasten moved that senate substitute amendment 4 be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 8; noes, 24; absent or not voting, 1; as follows:

Ayes -- Senators Hollander, Johnson, Kasten, Keppler, Martin, Risser, Steinhilber and Whittow -- 8.

Noes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Murphy, Parys, Peloquin, Petri, Roseleip, Schuele, Swan, J.D., Swan, M., theno and Thompson -- 24.

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

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So the motion did not prevail.

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

The motion did not prevail.

The question was: Adoption of senate amendment 5 to senate substitute amendment 4 to **Senate Bill 96**?

Senator Schuele moved rejection.

The motion prevailed.

The question was: Adoption of senate substitute amendment 4?

Senate substitute amendment 4 adopted.

By request of Senator Devitt, with unanimous consent, senate substitute amendment 3 to **Senate Bill 96** was laid on the table.

Ordered to a third reading.

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

**Senate Bill 96**

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; 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, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., swan, M., Theno, Thompson and Whittow -- 32.

Noes -- None.

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

So the bill passed.

Ordered immediately messaged.

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

12:00 Noon

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RECESS

2:00 P.M.

The senate reconvened.

President pro tempore of the senate in the chair.

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

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MOTIONS UNDER JOINT RULE 26

The State of Wisconsin \* \* \* Citation by the Legislature

Know you by these presents:

Whereas, at approximately 5:34 P.M. on June 15, 1973, while traveling south on Highway 12 in the vicinity of Sauk City, Mr. John F. Biba, of Lancaster, Wisconsin, observed a truck which was transporting propellant from the Badger Army Ammunition Plant at the side of the road with a fire in the left rear tandem wheels; and

Whereas, the burning vehicle was clearly marked with placards indicating it contained explosives; and

Whereas, Mr. Biba, without hesitation and with complete disregard for his own personal safety stopped to render assistance by proceeding to a nearby farmhouse and obtaining a bucket, and by making repeated trips to the farmhouse for water was able to assist the driver in containing the fire; now, therefore, The Members of the Wisconsin Legislature, on the motion of Senator Roseleip and Representative Azim, under Joint Rule 26, do hereby commend Mr. John F. Biba for his public spirit and personal bravery in assisting to control the fire which may have resulted in serious tragedy.

Read and adopted.

The State of Wisconsin \* \* \* Citation by the Legislature

Know you by these presents:

Whereas, for the past seven years, Mrs. Marie Marty has served as Chief Capitol Guide for the State Capitol; and



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Whereas, in the performance of her duties and responsibilities Mrs. Marty has always conducted herself in a manner that has truly made her a true ambassador of Wisconsin good will and hospitality; and

Whereas, on November 1, 1973, Mrs. Marie Marty will retire from her Capitol position and state service; and

Whereas, Mrs. Marty's presence and pleasant personality will be missed by all Wisconsinites and visitors to our State Capitol; now, therefore, The Members of the Wisconsin Legislature, on the motion of Senator Risser and Representative Earl, under Joint Rule 26, do hereby commend Mrs. Marie Marty on her dedicated service to the State of Wisconsin and extend to her their best wishes for continued happiness in the future.

Read and adopted.

The State of Wisconsin \* \* \* Citation by the Legislature

Know you by these presents:

Whereas, Mr. Alvin Tews served the City of Appleton as a member of its common council for over 20 years, and worked for Kimberly-Clark for over 40 years, and recently retired both from his elective office and from his employment; and

Whereas, Alderman Tews represented the 17th Ward, City of Appleton, from 1953 to 1956 and represented the 5th Ward from 1957 to 1973. In 1958, and again in 1968, he was elected president of the city Council. He served on the city finance committee during nearly his entire city council tenure and was its chairman since 1960. He also served on the board of public works and on the city recreation commission and parking commission; now, therefore, The Members of the Wisconsin Legislature, on the motion of Senator Lorge and Representative Roth, under Joint Rule 26, extend to Alderman Tews the commendation of the Wisconsin Legislature for 20 years of public service to the City of Appleton and to the State of Wisconsin, and their best wishes for his retirement years.

Read and adopted.

Senator Hollander raised the point of order that under Senate Rule 20 a Senate Committee on Finance is created, and that that committee has full control over Senate bills and joint resolutions residing in the Joint Committee on Finance, and that that Senate Committee on Finance may, by a committee report, report Senate bills and joint resolutions to the Senate.

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RULING OF THE CHAIR

Senate Rule 20 entitled "Standing Committees of the Senate" lists under (1) (h) "on Finance, five members." (3) of Senate Rule 20 states "The members of the Senate Committee on Finance shall be the Senate members of the Joint Committee on Finance. The chairman of the Senate Committee on Finance shall be a chairman of the Joint Committee."

It is clear that the Senate intended to set up its own Finance Committee, and in accordance with section 13.09 of the statutes, the five senators comprising the Senate Finance Committee serve on the Joint Committee on Finance.

The Chair finds the point of order by Senator Hollander well taken. It is the opinion of the Chair that the Senate Committee on Finance has full jurisdiction over bills and joint resolutions under the control of the Senate which are referred to the Joint Committee on Finance. This would not only include Senate bills and joint resolutions which are under the control of the Senate, but it would also include Assembly Bills and joint resolutions which have already passed the Assembly and are under the control of the Senate.

The rule otherwise would allow the Assembly members of the Joint Committee on Finance to control the independent operation of the Senate and would violate the basic concept of bicameralism.

Senator Risser appealed the ruling of the chair.

By request of Senator Risser, with unanimous consent, the appeal was laid aside until copies of the ruling were distributed to the members.

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CALENDAR OF MAY 10

**Senate Bill 249**

Relating to allowing drug treatment for minors without parental consent, and establishing for the treating physician immunity from civil liability.

The question was: Adoption of senate substitute amendment 1 to **Senate Bill 249**?

Senator Parys raised the point of order that the substitute amendment was not germane.

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The chair ruled the point of order not well taken.

By request of Senator Schuele, with unanimous consent, the senate recessed until 3:30 P.M.

2:20 P.M.

RECESS

3:30 P.M.

The senate reconvened.

The question was: Adoption of senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 9; noes, 23; absent or not voting, 1; as follows:

Ayes -- Senators Bidwell, Hollander, Johnson, Keppler, Knutson, Murphy, Roseleip, Steinhilber and Swan, J.D. -- 9.

Noes -- Senators Bablitch, Chilsen, Devitt, Dorman, Flynn, Frank, Kasten, Knowles, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Parys, Peloquin, Petri, Risser, Schuele, Swan, M., Theno, Thompson and Whittow -- 23.

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

So the substitute amendment was not adopted.

Senator Steinhilber moved indefinite postponement of Senate Bill 249.

Vice-president of the senate in the chair.

3:55 P.M.

The ayes and noes were demanded and the vote was: ayes, 7; noes, 23; absent or not voting, 3; as follows:

Ayes -- Senators Johnson, Keppler, Knutson, Murphy, Roseleip, Steinhilber and Swan, J.D. -- 7.

Noes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Kasten, Knowles, Krueger, LaFollette, Lorge, McKenna, Martin, Parys, Peloquin, Petri, Risser, Swan, M., Theno, Thompson and Whittow -- 23.

Absent or not voting -- Senators Kendziorski, LaFave and Schuele -- 3.

So the motion did not prevail.

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Senate amendment 1 to **Senate Bill 249** offered by Senator Steinhilber.

Senator Parys moved rejection.

The motion prevailed.

Senator Steinhilber raised the point of order that **Senate Bill 249** may create financial burdens in some areas and therefore required a fiscal note.

The chair ruled the point of order not well taken.

The question was: Shall **Senate Bill 249** be ordered to a third reading?

So the bill was not ordered to a third reading.

Senator McKenna moved reconsideration of the vote by which **Senate Bill 249** was refused ordering to a third reading.

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

Ayes -- Senators Bablitch, Chilsen, Devitt, Dorman, Flynn, Frank, Johnson, Kasten, Knowles, Krueger, LaFollette, Lorge, McKenna, Martin, Parys, Peloquin, Petri, Risser, Schuele, Swan, M., Theno, Thompson and Whittow -- 23.

Noes -- Senators Bidwell, Hollander, Keppler, Knutson, Murphy, Roseleip, Steinhilber and Swan, J.D. -- 8.

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

So the motion prevailed.

The question was: Shall **Senate Bill 249** be ordered to a third reading?

The ayes and noes were demanded and the vote was: ayes, 24; noes, 7; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Johnson, Kasten, Knowles, Krueger, LaFollette, Lorge, McKenna, Martin, Parys, Peloquin, Petri, Risser, Schuele, Swan, M., Theno, Thompson and Whittow -- 24.

Noes -- Senators Hollander, Keppler, Knutson, Murphy, Roseleip, Steinhilber and Swan, J.D. -- 7.

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

So the bill was ordered to a third reading.

Senator Parys asked unanimous consent that the bill be considered for final action at this time.

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Senator Steinhilber objected.

Senator Risser moved that the bill be considered for final action at this time.

The ayes and noes were required and the vote was: ayes, 24; noes, 8; absent or not voting, 1; as follows:

**Ayes** -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Kasten, Knowles, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Swan, M., Theno, Thompson and Whittow -- 24.

**Noes** -- Senators Johnson, Keppler, Knutson, Murphy, Petri, Roseleip, Steinhilber and Swan, J.D. -- 8.

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

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

### **Senate Bill 249**

Read a third time and passed.

Ordered immediately messaged.

By request of Senator Lorge, with unanimous consent, **Senate Bill 345** was rereferred to the committee on Judiciary and Insurance.

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## CALENDAR OF MAY 15

### **Senate Joint Resolution 50**

Memorializing Congress to commence action to amend the constitution of the United States to require that supreme court justices and federal circuit judges be subject to reappointment and reconfirmation every 9 and 6 years, respectively, and that federal district judges be elected to 6-year terms.

Read.

Senator Risser moved rejection.

The motion did not prevail.

By request of Senator Steinhilber, with unanimous consent, **Senate Joint Resolutions 50** and **56** were placed on the calendar of January 30, 1974.

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CALENDAR OF MAY 18

**Senate Bill 465**

Relating to preservation of otter and providing a penalty.  
Read a second time.

Senate amendment 2 to **Senate Bill 465** offered by Senator Knutson.

Senator J. D. Swan moved rejection.

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

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BILLS INTRODUCED

Read first time and referred:

**Senate Bill 775**

Relating to prohibiting studded tires with certain exceptions.  
By Senators Whittow, Steinhilber, Kasten and Risser,  
cosponsored by Representatives Sensenbrenner and Keegan.  
To committee on Transportation.

**Senate Bill 776**

Relating to cancellation and renewal of workmen's  
compensation insurance policies.  
By Senator Chilsen.  
To committee on Judiciary and Insurance.

**Senate Bill 777**

Relating to jurisdiction of juvenile courts.  
By Senators Steinhilber and Murphy.  
To committee on Judiciary and Insurance.

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LEAVE OF ABSENCE

By request of Senator Murphy, with unanimous consent, he was granted a leave of absence for October 18 until 11:00 A.M..

By request of Senator Johnson, with unanimous consent, the senate adjourned in honor the birthday of Senator Murphy.

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### AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 78** by Senator Bablitch.

Senate substitute amendment 2 to **Senate Bill 219** by Senators Bidwell, by request of Attorney General Robert W. Warren.

Senate substitute amendment 2 to **Senate Bill 520** by Senator Bablitch.

Senate amendment 1 to senate substitute amendment 3 to **Senate Bill 528** by Senator McKenna.

Senate substitute amendment 1 to **Senate Bill 687** by Senator Roseleip, by request of Milwaukee County and County Executive John L. Doyne.

Senate amendment 3 to **Assembly Bill 354** by Senator Knowles.

Upon motion of Senator Johnson the senate adjourned until 10:00 A.M. Thursday, October 18.

5:05 P.M.

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### INTRODUCTION OF GUESTS

Senator Knutson introduced Caroline Pieper, Pearl Miller and Doris M. Haugen of LaCrosse, Wisconsin.

Senator Chilsen introduced 70 students and chaperones of the St. James Lutheran School, Shawano, Wisconsin.

Senator J. D. Swan introduced students of the Lakewood Junior High School, Elkhorn, Wisconsin.

Senator Krueger introduced Ms. Paula Krueger of Illinois.

Senator Johnson introduced Mr. and Mrs. Emil Kruger of Eau Claire, Wisconsin.