

JOURNAL OF THE SENATE (February 13, 1974)

STATE OF WISCONSIN

Senate Journal

Eighty-First Regular Session

WEDNESDAY, February 13, 1974.

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 Father George Kovocec, Associate Pastor of Blessed Sacrament Catholic Church, Madison.

Jesus quoted Isaiah: "This people honors me only with lip service, while their hearts are far from me. The worship they offer me is worthless, the doctrine they teach are only human regulations." (Mark 7:6)

Lord, let our work correspond with your Divine Will.

Let our age be a guiding light for our youth.

Let our wisdom be used for victory over ignorance.

Let our courage destroy injustice and evil.

Let our love overcome every kind of oppression and make us all a community of God's children.

Let the work of the Senate be truly in conjunction with the work of God and not result only in mere human teachings and regulations.

Descend upon us and make your presence felt, as we begin our work as servants to your people.

Let all this come to be this day, as we offer all we are and all we have to you, God, our Father, through the Suffering Servant, Jesus Christ, our Lord. Amen.

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

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy,

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Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 31.

Noes -- Senator Flynn -- 1.

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

BILLS INTRODUCED

Read first time and referred:

Senate Bill 869

Relating to immunity from civil liability for contractors performing emergency services for the state and cities and villages.

By Senator Whittow, by request of the City of Milwaukee.

To committee on Judiciary and Insurance.

COMMITTEE REPORTS

The committee on Transportation reports and recommends:

Assembly Joint Resolution 120

Requesting the department of transportation to study railroad passenger facilities and service in Wisconsin.

Adoption; Ayes, 4; Noes, 0.

REUBEN LAFAVE

Chairman

The committee on Governmental and Veterans' Affairs reports and recommends:

Senate Joint Resolution 104

Establishing a special joint committee to investigate the constitutionality and aspects of regional government.

Adoption; Ayes, 3; Noes, 2.

Senate Bill 846

Relating to sale of surplus governmental lands to Indian tribes.

Passage; Ayes, 4; Noes, 1.

GORDON W. ROSELEIP

Chairman

The committee on Natural Resources reports and recommends:

KAPUSTA, JOSEPH, of Antigo, as a member of the Snowmobile Recreational Council, to succeed Paul Lukens, to serve for a term ending May 1, 1976.

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Confirmation; Ayes, 5; Noes, 0.

KNOLL, NORMAN, of Argonne, as a member of the Snowmobile Recreational Council, to succeed himself, to serve for a term ending May 1, 1976.

Confirmation; Ayes, 5; Noes, 0.

MATTESON, ROBERT, of Cable, as a member of the Snowmobile Recreational Council, to succeed Frank Hirsch, to serve for the remainder of the term ending May 1, 1974, and for the succeeding term ending May 1, 1977.

Confirmation; Ayes, 5; Noes, 0.

MERESS, ERNIE, of Marshfield, as a member of the Snowmobile Recreational Council, to succeed himself, to serve for a term ending May 1, 1976.

Confirmation; Ayes, 5; Noes, 0.

STEFFES, ROBERT, of Two Rivers, as a member of the Snowmobile Recreational Council, to succeed Jack Armstrong, to serve for a term ending May 1, 1976.

Confirmation; Ayes, 5; Noes, 0.

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.

Passage; Ayes, 5; Noes, 0.

Senate Bill 789

Relating to taxation of wild rivers preservation lands, and providing an appropriation.

Passage; Ayes, 5; Noes, 0.

Assembly Joint Resolution 63

Directing the legislative council to study access to and utilization of lakes.

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 352

Relating to registration of mineral rights separate from surface fees ownership and providing a registration fee.

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 402

Relating to bear hunting licenses.

Concurrence; Ayes, 4; Noes, 0.

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Assembly Bill 408

Relating to a reservation system for campgrounds and campsite fees.

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 613

Relating to prohibiting pole-trapping of birds.

Concurrence; Ayes, 5; Noes, 0.

CLIFFORD W. KRUEGER
Chairman

By request of Senator Johnson, with unanimous consent, the bills and appointments on the above committee reports were laid on the table.

PETITIONS AND COMMUNICATIONS

The State of Wisconsin
Legislative Reference Bureau
Madison

February 8, 1974

Honorable William P. Nugent
Chief Clerk of the Senate
Room 243 South
State Capitol

Re: Engrossed 1973 Assembly Bill 814

Dear Mr. Nugent:

Mrs. James J. Burke, the Revisor of Statutes, has called to our attention that we worked from incomplete information when engrossing 1973 Assembly Bill 814. The mistake occurred in incorporating Assembly amendment 17 to Assembly substitute amendment 5 into the text of the bill; not only was that amendment adopted by the Assembly, but the Assembly also adopted amendment 1 to Assembly amendment 17. This is recorded on page 3334 of the Assembly Journal for February 6, 1974.

The change will reflect itself both in the analysis of the printed copy of Engrossed 1973 Assembly Bill 814 and on page 14. In the 4th line of the analysis, the statement should correctly read "17 (as amendment by amdt. 1 thereto)". On page 14, lines 20 and 21, of the printed Engrossed 1973 Assembly Bill 814, "main public

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library in each county and city" should correctly read "main public library in each county, city, village and town".

Because of the intense interest in the provisions of the 1973 Assembly Bill 814, I would appreciate it if you could spread this information as a communication in the Senate Journal, rather than merely displaying it under Chief Clerk's Corrections. However, there probably should also be an entry in the bill's history, and an insertion into the bill's jacket, to indicate that the correction was made.

Sincerely yours,
Dr. H. Rupert Theobald
Chief

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor
Madison, Wisconsin

February 12, 1974.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the Senate do appoint Mrs. Pamela Wegner of Madison, as a member of the Board of Nursing, to succeed Mrs. Ann Geyer Dahms, to serve for the term ending May 1, 1977.

Sincerely,
PATRICK J. LUCEY
Governor

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

State of Wisconsin
Office of the Governor
Madison, Wisconsin

February 12, 1974.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the Senate do appoint Dr. John Hirschboeck of Milwaukee, as a member of the

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Board of Nursing, to succeed Dr. William Curran, to serve for the term ending May 1, 1977.

Sincerely,
PATRICK J. LUCEY
Governor

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

State of Wisconsin
Office of the Governor
Madison, Wisconsin

February 12, 1974.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the Senate do appoint Richard Smrz, of Milwaukee, as a member of the Tax Appeals Commission, to succeed Clair Finch, to serve for the term ending March 1, 1979.

Sincerely,
PATRICK J. LUCEY
Governor

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

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:

Motions Under Joint Rule 26:

A Joint Certificate of Commendation by Representative Day; cosponsored by Senator Chilsen for DR. BIRNBAUM AND THE UNIVERISTY HOSPITAL STAFF on the occasion of Representative Day's recovery;

A Joint Certificate of Congratulations by Representative Pabst; cosponsored by Senator Whittow for MARY GUENTHER on being named to "Who's Who Among American High School Students".

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and

Assembly Joint Resolution 127
Assembly Joint Resolution 128

and

Passed and asks concurrence in:

Assembly Bill 1138
Assembly Bill 1278

and

Concurred in:

Senate Bill 517

and

Amended and concurred in as amended:

Senate Bill 242 (Assembly amendment 1 adopted)
Senate Bill 550 (Assembly amendment 1 adopted)

Nonconcurred in:

Senate Bill 42

MESSAGE FROM THE ASSEMBLY CONSIDERED

Motions Under Joint Rule 26:

A Joint Certificate of Commendation by Representative Day; cosponsored by Senator Chilsen for DR. BIRNBAUM AND THE UNIVERSITY HOSPITAL STAFF on the occasion of Representative Day's recovery;

A Joint Certificate of Congratulations by Representative Pabst; cosponsored by Senator Whittow for MARY GUENTHER on being named to "Who's Who Among American High School Students".

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

Assembly Joint Resolution 127

Requesting a release of funds to the veterans trust fund for veterans housing assistance programs.

By Representatives EARLY, ROBERTS, GROVER, BYERS, EARL, ANDERSON, OBERLE, DUEHOLM, BALDUS,

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MOHN, PLEWA, SCHRICKER, BRADLEY, KLIKA, KEDROWSKI, O'MALLEY, WILLKOM, PABST, FERRALL, ELCONIN, BERGER, FLINTROP, MUNTS, JOHNSON, JACKAMONIS, SICULA, MITTNESS, MILLER, TROPMAN, OTTE, WAHNER, SWEDA, SANASARIAN, TOBIASZ, DUREN, OLSON, KINCAID, BRUHY, OPITZ, KLECZKA, DONOGHUE, THOMPSON, WILCOX, DE LONG, ROTH, SENSENBRENNER, ELLIS, QUACKENBUSH, LEWIS, SCHROEDER, GIBSON, ATKINSON, ROHNER, PORTER, TREGONING, DAY, MURRAY, ROGERS and LALLENSACK.

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

Assembly Joint Resolution 128

Requesting the public service commission to adopt emergency rules requiring notice to county welfare departments when gas or electricity service used for heating is shut off.

By Representatives MATTY and EVERSON; co-sponsored by Senator LA FAVE.

Read and referred to joint committee on Finance.

Assembly Bill 1138

Relating to reduced bus fares for special classes of passengers.

By Representatives TOBIASZ, MUNTS, MILLER, WARD, BERGER, NAGER, WILLKOM, BOLLE, SWEDA, OTTE, PABST, DORFF, SICULA, FERRALL, ELCONIN, SCHNEIDER, WAHNER, JACKAMONIS, MIELKE, BARCZAK, TROPMAN, CZERWINSKI, DUREN and SANASARIAN, by request of Governor Patrick J. Lucey, and the Governor's Study Committee on Mass Transit.

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

Assembly Bill 1278

Relating to multiple-party and agency accounts.

By Representatives SICULA and THOMPSON, by request of Real Property Section of State Bar of Wisconsin.

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

Senate Bill 242

Read and placed on the calendar.

Senate Bill 550

Read and placed on the calendar.

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MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Peking Gardens of Madison celebrated Chinese New Year on Sunday, February 10, 1974; and

Whereas, the Peking Gardens of Madison were magnanimous in extending their hospitality for their celebration to the Mayor, Chief of Police, Senators, Judges and other Madison civic and community leaders; and

Whereas, the 12 course dinner served at the Peking Gardens Restaurant was a most wonderful display of Chinese culinary art; now, therefore, The Members of the Wisconsin Senate, on the motion of Senators Thompson and Risser, to wish to congratulate and commend the Peking Gardens of Madison on the occasion of Chinese New Year and the Chinese New Year party they held on Sunday, February 10, 1974.

Read and adopted.

CALENDAR OF OCTOBER 16

By request of Senator LaFave, with unanimous consent, Assembly Bill 892 was taken from the table and considered for action at this time.

Assembly Bill 892

AN ACT providing for a referendum under section 7 of article XIII of the constitution to determine the future status of Menominee county in case of federal restoration of Menominee trial status.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 892

Read a third time.

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy,

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Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 31.

Noes -- None.

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

So the bill was concurred in.

Ordered immediately messaged.

Senate Bill 205

Relating to denial of licenses or permits for contract motor carriers by the public service commission.

Read a third time.

Senator Bidwell moved indefinite postponement.

Vice-president of the senate in the chair.

11:00 A.M.

Senator Bidwell 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, 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 -- 31.

Absent -- Senator Flynn -- 1.

Absent with leave -- Senator Kendziorski -- 1.

LEAVE OF ABSENCE

By request of Senator Risser, with unanimous consent, Senator Flynn was granted a leave of absence for the balance of the day.

The question was: Indefinite postponement of **Senate Bill 205**?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 11; absent or not voting, 2; as follows:

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Ayes -- Senators Bidwell, Dorman, Frank, Johnson, Kasten, Knowles, Knutson, LaFollette, Lorge, McKenna, Martin, Murphy, Peloquin, Petri, Risser, Steinhilber, Swan, J.D., Swan, M., Thompson and Whittow -- 20.

Noes -- Senators Bablitch, Chilsen, Devitt, Hollander, Keppler, Krueger, LaFave, Parys, Roseleip, Schuele and Theno -- 11.

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

So the motion prevailed.

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

Senator J. D. Swan moved reconsideration of the vote by which Senate Bill 205 was indefinitely postponed.

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

The ayes and noes were demanded and the vote was: ayes, 11; noes, 20; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Devitt, Hollander, Keppler, Krueger, LaFave, Parys, Roseleip, Schuele, Theno and Whittow -- 11.

Noes -- Senators Bidwell, Chilsen, Dorman, Frank, Johnson, Kasten, Knowles, Knutson, LaFollette, Lorge, McKenna, Martin, Murphy, Peloquin, Petri, Risser, Steinhilber, Swan, J.D., Swan, M. and Thompson -- 20.

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

So the motion did not prevail.

The question was: Reconsideration of the vote by which Senate Bill 205 was indefinitely postponed.

The motion did not prevail.

Assembly Bill 538

Relating to the provision of emergency medical services by hospitals, the licensing of ambulance service managers and ambulance attendants, creating an examining council and making an appropriation.

Read a second time.

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

11:45 A.M.

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RECESS

2:00 P.M.

The senate reconvened.

LEAVE OF ABSENCE

By request of Senator Johnson, with unanimous consent, Senator Kasten was granted a leave of absence until 4:00 P.M.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1 to **Assembly Bill 538**?

Senate amendment 1 to senate amendment 1 to senate substitute amendment 1 to **Assembly Bill 538** offered by Senators Devitt and Whittow.

Senate amendment 1 to senate amendment 1 to senate substitute amendment 1 adopted.

Senate amendment 1 to senate substitute amendment 1 adopted.

The question was: Adoption of senate amendment 2 to senate substitute amendment 1?

Senator Devitt moved rejection.

President of the senate in the chair.

2:30 P.M.

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

Absent -- None.

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Absent with leave -- Senators Kasten, Kendziorski and Knowles -- 3.

The question was: Rejection of senate amendment 2 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 9; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Keppler, Krueger, LaFave, LaFollette, Lorge, McKenna, Parys, Peloquin, Risser, Roseleip, Schuele, Theno, Thompson and Whittow -- 21.

Noes -- Senators Bidwell, Johnson, Knutson, Martin, Murphy, Petri, Steinhilber, Swan, J.D. and Swan, M. -- 9.

Absent or not voting -- Senators Kasten, Kendziorski and Knowles -- 3.

So the motion prevailed.

The question was: Adoption of senate amendment 3 to senate substitute amendment 1?

Senator Steinhilber moved rejection.

The ayes and noes were demanded and the vote was: ayes, 12; noes, 19; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Bidwell, Johnson, Kasten, Knutson, Martin, Murphy, Peloquin, Risser, Steinhilber, Swan, J.D. and Swan, M. -- 12.

Noes -- Senators Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Keppler, Krueger, LaFave, LaFollette, Lorge, McKenna, Parys, Petri, Roseleip, Schuele, Theno, Thompson and Whittow -- 19.

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

So the motion did not prevail.

Senate amendment 3 to senate substitute amendment 1 adopted.

The question was: Adoption of senate substitute amendment 1?

Senator Steinhilber moved rejection.

The motion did not prevail.

Senate substitute amendment 1 adopted.

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By request of Senator Steinhilber, with unanimous consent, senate substitute amendment 2 to **Assembly Bill 538** was withdrawn and returned to the author.

LEAVE OF ABSENCE

By request of Senator McKenna, with unanimous consent, Senator Thompson was granted a leave of absence for the balance of the afternoon.

Senator LaFollette moved reconsideration of the vote by which senate amendment 2 to senate substitute amendment 1 to **Assembly Bill 538** was rejected.

The ayes and noes were demanded and the vote was: ayes, 10; noes, 18; absent or not voting, 5; as follows:

Ayes -- Senators Keppler, Knutson, LaFollette, Martin, Murphy, Petri, Roseleip, Steinhilber, Swan, J.D. and Swan, M. -- 10.

Noes -- Senators Bablitch, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Krueger, Lorge, McKenna, Parys, Peloquin, Risser, Schuele, Theno and Whittow -- 18.

Absent or not voting -- Senators Bidwell, Kendziorski, Knowles, LaFave and Thompson -- 5.

So the motion did not prevail.

Ordered to a third reading.

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

Assembly Bill 538

Read a third time.

The ayes and noes were required and the vote was: ayes, 25; noes, 5; absent or not voting, 3; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Krueger, LaFave, Lorge, McKenna, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Swan, M., Theno and Whittow -- 25.

Noes -- Senators Knutson, LaFollette, Martin, Steinhilber and Swan, J.D. -- 5.

Absent or not voting -- Senators Kendziorski, Knowles and Thompson -- 3.

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So the bill was concurred in as amended.

Ordered immediately messaged.

Senator Roseleip moved reconsideration of the vote by which **Senate Joint Resolution 44** failed adoption.

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, Kasten, Keppler, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno and Whittow -- 30.

Absent -- None.

Absent with leave -- Senators Kendziorski, Knowles and Thompson -- 3.

Senator Risser raised the point of order that the motion for reconsideration was not proper as Senator Roseleip did not vote with the prevailing side.

The chair took the point of order under advisement.

Senator Bablitch moved reconsideration of the vote by which **Senate Joint Resolution 44** failed adoption, so that provided the chair ruled favorable on the point of order, the reconsideration motion would be recorded as entered this day.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Joint Resolution 87** by Senator Johnson.

Senate amendment 2 to senate substitute amendment 2 to **Senate Bill 39** by Senator Theno.

Senate amendment 3 to senate substitute amendment 2 to **Senate Bill 39** by Senator Theno.

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Senate amendment 1 to **Senate Bill 337** by Senator Martin.

Senate substitute amendment 2 to **Senate Bill 518** by Senators Steinhilber and Johnson.

Senate substitute amendment 1 to **Senate Bill 822** by Senator Murphy.

Senate substitute amendment 1 to **Assembly Bill 265** by Senators Hollander and Steinhilber.

Senate amendment 1 to **Assembly Bill 486** by Senator Murphy.

Senate amendment 1 to **Assembly Bill 736** by Senator Hollander.

Senate amendment 1 to **Assembly Bill 878** by Senator Whittow.

Senate amendment 2 to **Assembly Bill 878** by Senator Murphy.

Upon motion of Senator Johnson the senate adjourned until 10:00 A.M. Thursday, February 14.

4:00 P.M.

INTRODUCTION OF GUESTS

Senator Lorge introduced Mayor James Sutherland and his Administrative Assistant, Dennis Hanson, of Appleton, Wisconsin.

Senator Hollander introduced Mr. Thomas J. Meikeljohn of Fond du Lac, Wisconsin.

Senator Murphy introduced Senator and Mrs. Richard J. Zaborski and daughter Robin of Brookfield, Wisconsin.

Senator Keppler introduced Mr. Donald Braatz and members of the Oostburg High School Band of Oostburg, Wisconsin.

Senator Bidwell introduced members of the Pardeeville High School and their instructor Bob Haney of Pardeeville, Wisconsin.