

JOURNAL OF THE SENATE [January 25, 1980]

STATE OF WISCONSIN

Senate Journal

Eighty-Fourth Regular Session

FRIDAY, January 25, 1980.

10:00 A.M.

The senate met.

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

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

Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, McCallum, Maurer, Moody, Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 32.

Absent -- None.

Absent with leave -- Senator Lorge -- 1.

The senate stood for the prayer which was offered by Dr. Stewart Coffman, pastor of Christ Presbyterian Church, Madison.

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

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 39

To amend section 4 of article VI of the constitution, relating to 4-year terms of office for sheriffs (first consideration).

By Senators Bablitch, Krueger, Harnisch, Theno, Offner, Bidwell Goyke; cosponsored by Representatives Donoghue, Rogers, Klicka, Lallensack, Murray, Shoemaker, Byers, Conradt, Lewison, Swoboda, Prosser, Thompson, Smith, Helbach, Kincaid, Hasenohrl and Schmidt.

To committee on Governmental and Veterans' Affairs.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 532

Relating to eliminating the requirement that banks and savings and loan associations remain closed on Sundays and certain holidays.

By Senator Radosevich.

To committee on Aging, Business and Financial Institutions and Transportation.

Senate Bill 533

Relating to computation of interest on money judgments.

By Senators Bablitch and Adelman; cosponsored by Representative Rutkowski.

To committee on Judiciary and Consumer Affairs.

COMMITTEE REPORTS

The committee on Aging, Business and Financial Institutions and Transportation reports and recommends:

Senate Bill 454

Relating to the date and manner for payment of the transportation aids supplement.

Passage:

Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

Senate Bill 477

Relating to permitting mutual savings banks to establish checking services and increasing their required reserve.

Passage:

Ayes, 4 -- Senators Thompson, Moody, Roshell and Cullen;

Noes, 1 -- Senator Bidwell.

Senate Joint Resolution 33

To urge sponsors of alcoholic beverage advertising to adopt voluntary guidelines limiting advertising directed at young people and the Wisconsin media to limit advertising directed at young people.

Adoption:

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Ayes, 5 -- Senators Thompson, Moody, Roshell, Bidwell and Cullen;

Noes, 0 -- None.

TIM CULLEN

Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

Assembly Bill 293

Relating to miscellaneous changes in the divorce laws.

Introduction and adoption of senate amendment 1:

Ayes, 4 -- Senators Adelman, Bear, Braun and Murphy;

Noes, 0 -- None.

Introduction and adoption of senate amendment 2:

Ayes, 4 -- Senators Adelman, Bear, Braun and Murphy;

Noes, 0 -- None.

Introduction and adoption of senate amendment 3:

Ayes, 4 -- Senators Adelman, Bear, Braun and Murphy;

Noes, 0 -- None.

Introduction and adoption of senate amendment 4:

Ayes, 4 -- Senators Adelman, Bear, Braun and Murphy;

Noes, 0 -- None.

Introduction and adoption of senate amendment 5:

Ayes, 4 -- Senators Adelman, Bear, Braun and Murphy;

Noes, 0 -- None.

Concurrence as amended:

Ayes, 4 -- Senators Adelman, Bear, Braun and Murphy;

Noes, 0 -- None.

Assembly Bill 822

Relating to theft of library material and providing penalties.

Concurrence:

Ayes, 3 -- Senators Adelman, Braun and Harnisch;

Noes, 0 -- None.

Assembly Bill 831

Relating to various revisions in the law regulating trusts and monopolies and providing penalties.

Introduction and adoption of senate amendment 1:

Ayes, 4 -- Senators Adelman, Bear, Braun and Murphy;

Noes, 0 -- None.

Concurrence as amended:

Ayes, 4 -- Senators Adelman, Bear, Braun and Murphy;

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Noes, 0 -- None.

LYNN ADELMAN
Chair

The committee on Judiciary and Consumer Affairs reports and recommends:

Assembly Bill 1116

Relating to restricting ownership of short-barreled shotguns or short-barreled rifles, disposal of seized weapons and providing a penalty.

Concurrence:

Ayes, 5 -- Senators Adelman, Bear, Braun, Harnisch and Murphy;

Noes, 0 -- None.

LYNN ADELMAN
Chair

MESSAGE FROM THE ASSEMBLY

By Marcel Dandeneau, chief clerk.

Mr. President:

I am directed to inform you that the assembly has concurred in as amended:

Assembly Bill 413, senate substitute amendment 1

Passed and asks concurrence in:

Assembly Bill 1065

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 1065

Relating to injury by improper use of a noxious substance and providing a penalty.

By Representatives Matty, Menos, Nelsen, Lewison, Schmidt, Donoghue, Young, Klicka, Omernick and Thompson, co-sponsored by Senators Hanaway and Bear.

Read first time and referred to committee on Judiciary and Consumer Affairs.

LEAVE OF ABSENCE

By request of Senator Maurer, with unanimous consent, he was granted a leave of absence at 12:00 P.M. for the balance of today's session.

CALENDAR OF JANUARY 25

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 8** and **Assembly Bill 749** were considered at this time.

Assembly Bill 8

Relating to battery to persons 62 years of age or older and providing a penalty.

Read.

The question was: Concurrence?

Senator Bablitch moved non-concurrence of assembly amendment 2 and asked for a Committee of Conference.

The motion prevailed.

Assembly Bill 749

Relating to revising conditions of bail.

Read.

The question was: Concurrence?

Senator Bablitch moved non-concurrence of assembly amendments 3, 5, 6, 9 and 10 and assembly amendment 1 to assembly amendment 3 and asked for a Committee of Conference.

The motion prevailed.

The chair appointed Senators Bablitch, Flynn and Johnston to serve as conferees on its part of the Committee of Conference on **Assembly Bills 8** and **749**.

The question was: Confirmation of the conferees of the Committee of Conference.

The appointments were confirmed.

By request of Senator Bablitch, with unanimous consent, all action was ordered immediately messaged.

SPECIAL ORDERS

Assembly Bill 169

Relating to domestic abuse, creating a council on domestic abuse, creating an appropriation and providing penalties.

Read a second time.

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

10:16 A.M.

RECESS

10:45 A.M.

The senate reconvened.

The question was: Adoption of senate amendment 1?

Adopted.

Senate amendment 2 offered by Senators Kleczka, Harnisch, Frank and Roshell.

The question was: Adoption of senate amendment 2?

Senator Radosevich moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 14; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Braun, Cullen, Flynn, Goyke, Harnisch, Kreul, Maurer, Offner, Radosevich, Risser, Strohl, Swan, Thompson and Van Sistine -- 17.

Noes -- Senators Berger, Bidwell, Chilsen, Frank, Hanaway, Johnston, Kleczka, Krueger, Lasee, McCallum, Murphy, Opitz, Roshell and Theno -- 14.

Absent or not voting -- Senators Lorge and Moody -- 2.

So the motion prevailed.

Senate amendment 3 offered to Senators Opitz and Murphy.

The question was: Adoption of senate amendment 3?

Senator Radosevich moved rejection of senate amendment 3.

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The question was: Rejection of senate amendment 3?

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

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Moody, Offner, Radosevich, Risser, Strohl, Swan, Theno, Thompson and Van Sistine -- 23.

Noes -- Senators Bidwell, Chilsen, Krueger, Lasee, McCallum, Murphy, Opitz and Roshell -- 8.

Absent or not voting -- Senators Lorge and Maurer -- 2.

So the motion prevailed.

Senate amendment 4 offered by Senators Chilsen, Bablitch and Krueger.

The question was: Adoption of senate amendment 4?
Adopted.

Ordered to a third reading.

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

Assembly Bill 169

Read a third time.

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

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, McCallum, Moody, Murphy, Offner, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 30.

Noes -- Senator Opitz -- 1.

Absent or not voting -- Senators Lorge and Maurer -- 2.

So the bill was concurred in as amended.

By request of Senator Moody, with unanimous consent, the journal will show that had he been present he would have voted "aye" on rejection of senate amendment 2 to **Senate Bill 169**.

By request of Senator Bablitch, with unanimous consent, the senate returned to the seventh order of business.

MESSAGE FROM THE ASSEMBLY

By Marcel Dandeneau, chief clerk.

Mr. President:

I am directed to inform you that the assembly has agreed to:

Assembly Bill 8 and **Assembly Bill 749**, a Committee of Conference and appoints Representatives McClain, Rutkowski and Prosser as conferees on its part.

CALENDAR OF JANUARY 25

Senate Bill 87

Relating to prohibiting courts from placing persons convicted of first-degree murder on probation.

The question was: Concurrence in assembly amendment 2?

Concurred in.

Senate Bill 345

Relating to crime victims compensation, creating a crime victims compensation board and making appropriations.

The question was: Concurrence in assembly amendment 1?

Senator Flynn moved non-concurrence in assembly amendment 1.

The question was: Non-concurrence in assembly amendment 1?

Non-concurred in.

The question was: Concurrence in assembly amendment 2?

Concurred in.

The question was: Concurrence in assembly amendment 4?

Concurred in.

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Senate Bill 509

Relating to taking hostages and providing a penalty.

The question was: Concurrence in assembly amendment 1?

Concurred in.

Senate amendment 1 to assembly amendment 2 offered by Senator Adelman.

By request of Senator Adelman, with unanimous consent, senate amendment 1 to assembly amendment 2 was returned to the author.

Senate amendment 2 to assembly amendment 2 offered by Senator Adelman.

The question was: Adoption of senate amendment 2 to assembly amendment 2?

Adopted.

The question was: Concurrence in assembly amendment 2 as amended?

Concurred in.

By request of Senator Bablitch, with unanimous consent, all action was ordered immediately messaged.

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

12:28

RECESS

2:00 P.M.

The senate reconvened.

QUORUM CALL

Senator Bablitch called the attention of the chair to the possible lack of a quorum.

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

Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasce, McCallum, Moody,

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Murphy, Offner, Opitz, Radosevich, Risser, Roshell, Strohl, Swan, Theno, Thompson and Van Sistine -- 31.

Absent -- None.

Absent with leave -- Senators Lorge and Maurer -- 2.

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Assembly Bill 77

Relating to prohibiting possession of a dangerous weapon by a convicted felon and providing a penalty.

Read a second time.

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

Senate amendment 1 to senate substitute amendment 3 offered by Senator Murphy.

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

By request of Senator Berger, with unanimous consent, senate substitute amendment 3 was laid on the table.

Senate amendment 1 to senate substitute amendment 4 offered by Senator Braun.

The question was: Adoption of senate amendment 1 to senate substitute amendment 4?

Senator Murphy raised the point of order that senate amendment 1 to senate substitute amendment 4 to **Assembly Bill 77** was not germane.

The chair took the point of order under advisement.

Assembly Bill 732

Relating to requiring payment of restitution as a requirement of probation.

Read a second time.

Senate amendment 1 offered by Senator Frank, by request of F. X. McCormack.

The question was: Adoption of senate amendment 1?

Adopted.

Ordered to a third reading.

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

Assembly Bill 732

Read a third time and concurred in as amended.

Assembly Bill 883

Relating to duration of dispositional orders for children adjudged delinquent whose legal custody has been transferred to the department of health and social services.

Read a second time.

Senate amendment 1 offered by Senators Braun, Maurer, Strohl, Thompson, Bidwell and Harnisch.

The question was: Adoption of senate amendment 1?

By request of Senator Kleczka, with unanimous consent, **Assembly Bill 883** was referred to joint committee of Finance.

Assembly Bill 1116

Relating to restricting ownership of short-barreled shotguns or short-barreled rifles, disposal of seized weapons and providing a penalty.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 1116

Read a third time and concurred in.

Assembly Bill 77

Relating to prohibiting possession of a dangerous weapon by a convicted felon and providing a penalty.

RULING OF THE CHAIR

It is the opinion of the chair that senate amendment 1 created a new concept and new crime. It is substantially different from senate substitute amendment 4; therefore, the chair rules the point of order well taken.

The question was: Adoption of senate amendment 4?

By request of Senator Bablitch, with unanimous consent, all action was ordered immediately messaged.

The question was: Adoption of senate substitute amendment 4?

Senate amendment 2 to senate substitute amendment 4 offered by Senator Kleczka.

Senator Murphy moved rejection of senate substitute amendment 4.

The question was: Rejection of senate substitute amendment 4?

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

Senator Berger objected.

Senator Berger asked unanimous consent that **Assembly Bill 77** be referred to committee on Judiciary and Consumer Affairs.

Senator Adelman objected.

Senator Berger moved that **Assembly Bill 77** be referred to committee on Judiciary and Consumer Affairs.

The question was: Shall **Assembly Bill 77** be referred to committee on Judiciary and Consumer Affairs?

The motion did not prevail.

The question was: Rejection of senate substitute amendment 4?

By request of Senator Bablitch, with unanimous consent, senate substitute amendment 4 was laid on the table.

By request of Senator Bablitch, with unanimous consent, senate substitute amendment 3 was taken up at this time.

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

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By request of Senator Bablitch, with unanimous consent, **Assembly Bill 77** was referred to committee on Judiciary and Consumer Affairs.

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

COMMITTEE REPORTS

COMMITTEE OF CONFERENCE
on
Assembly Bill 8

The members of the Committee of Conference on **Assembly Bill 8** report and recommend:

1. Both houses recede from their respective positions on senate substitute amendment 1; and
2. The Senate and Assembly, respectively adopt and concur in conference substitute amendment 1.

Senator Bablitch Representative McClain

Senator Flynn Representative Rutkowski

Senator Johnston Representative Prosser

Representative Prosser voted no on the Committee of Conference report.

COMMITTEE OF CONFERENCE
on
Assembly Bill 749

The members of the Committee on Conference on **Assembly Bill 749** report and recommend:

1. Both houses recede from their respective positions on assembly amendments 3 (including 1 to 3), 5, 6, 9 and 10; and

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2. The Senate and Assembly, respectively, adopt and concur in conference substitute amendment 1.

Senator Bablitch
Senator Flynn
Senator Johnston

Representative McClain
Representative Rutkowski
Representative Prosser

The committee on Judiciary and Consumer Affairs reports and recommends:

Assembly Bill 1043

Relating to rights of victims and witnesses of crimes, providing rule-making authority, and providing a penalty and making an appropriation.

Introduction and adoption of senate amendment 1:

Ayes, 3 -- Senators Adelman, Harnisch and Murphy;
Noes, 2 -- Senators Bear and Braun.

Introduction and adoption of senate amendment 2:

Ayes, 4 -- Senators Adelman, Bear, Braun and Harnisch;
Noes, 1 -- Senator Murphy.

Introduction and adoption of senate amendment 3:

Ayes, 4 -- Senators Adelman, Bear, Braun and Harnisch;
Noes, 1 -- Senator Murphy.

Concurrence as amended:

Ayes, 4 -- Senators Adelman, Bear, Braun and Harnisch;
Noes, 1 -- Senator Murphy.

Assembly Bill 1065

Relating to injury by improper use of a noxious substance and providing a penalty.

Concurrence:

Ayes, 3 -- Senators Bear, Harnisch and Murphy;
Noes, 2 -- Senators Adelman and Braun.

LYNN S. ADELMAN
Chair

The committee on Education and Revenue reports and recommends:

Assembly Bill 596

Relating to exempting solar energy home heating systems and electricity generating devices from the property tax.

Concurrence:

Ayes, 3 -- Senators Goyke, Bear and McCallum;

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Noes, 2 -- Senators Moody and Offner.

GARY R. GOYKE
Chair

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Assembly Bill 8

Relating to battery to persons 62 years of age or older and providing a penalty.

The question was: Adoption of the Committee of Conference report?

The ayes and noes were required and the vote was: ayes, 29; noes, 2; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Krueger, Lasee, McCallum, Moody, Murphy, Offner, Opitz, Radosevich, Roshell, Strohl, Theno, Thompson and Van Sistine -- 29.

Noes -- Senators Risser and Swan -- 2.

Absent or not voting -- Senators Lorge and Maurer -- 2.

So the report was adopted.

By request of Senator Bablitch, with unanimous consent, all action was ordered immediately messaged.

Assembly Bill 749

Relating to revising conditions of bail.

The question was: Adoption of the Committee of Conference report?

The ayes and noes were required and the vote was: ayes, 28; noes, 1; absent or not voting, 4; as follows:

Ayes -- Senators Adelman, Bablitch, Bear, Berger, Bidwell, Braun, Chilsen, Cullen, Flynn, Frank, Goyke, Hanaway, Harnisch, Johnston, Kleczka, Kreul, Lasee, McCallum, Moody, Murphy, Offner, Opitz, Radosevich, Roshell, Strohl, Theno, Thompson and Van Sistine -- 28.

Noes -- Senator Risser -- 1.

Absent or not voting -- Senators Krueger, Lorge, Maurer and Swan -- 4.

So the report was adopted.

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By request of Senator Bablitch, with unanimous consent, all action was ordered immediately messaged.

Assembly Bill 1043

Relating to rights of victims and witnesses of crimes, providing rule-making authority, and providing a penalty and making an appropriation.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Flynn, with unanimous consent, senate amendment 2 was considered at this time.

Senator Murphy moved that **Assembly Bill 1043** be referred to committee on Judiciary and Consumer Affairs.

By request of Senator Bablitch, with unanimous consent, the senate recessed until 3:56 P.M.

3:40 P.M.

RECESS

3:56 P.M.

The senate reconvened.

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 1043** was referred to committee on Senate Organization.

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 596** was referred to committee on Senate Organization.

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 1065** was referred to committee on Judiciary and Consumer Affairs.

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 636** and **Assembly Bill 777** were referred to committee on Senate Organization.

By request of Senator Bablitch, with unanimous consent, the senate returned to the seventh order of business.

MESSAGE FROM THE ASSEMBLY

By Marcel Dandeneau, chief clerk.

Mr. President:

I am directed to inform you that the assembly has concurred in:

Assembly Bill 169, senate amendments 1 and 4

Senate Bill 509, senate amendment 2 to assembly amendment 2

Refused to recede from its position on:

Senate Bill 345, assembly amendment 1

Nonconcurred in:

Assembly Bill 732, senate amendment 1

Concurred in:

Report of Committee on Conference on **Assembly Bill 8**

Report of Committee of Conference on **Assembly Bill 749**

MESSAGE FROM THE ASSEMBLY CONSIDERED

By request of Senator Flynn, with unanimous consent, the senate adheres to its position of **Senate Bill 345** and requests a Committee of Conference.

By request of Senator Flynn, with unanimous consent, the senate adheres to its position on **Assembly Bill 732** and requests a Committee of Conference.

The chair appointed Senators Flynn, Adelman and Murphy to serve as conferees on its part of the Committee of Conference on **Senate Bill 345**.

The question was: Confirmation of the conferees of the Committee of Conference?

The appointments were confirmed.

The chair appointed Senators Frank, Risser and Johnston to serve as conferees on its part of the Committee of Conference on **Assembly Bill 732**.

The question was: Confirmation of the conferees of the Committee of Conference?

The appointments were confirmed.

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By request of Senator Bablitch, with unanimous consent, all action was ordered immediately messaged.

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 445** by Senators Cullen and Thompson.

Senate amendment 10 to **Assembly Bill 777** by Senators Offner and Goyke.

Senate amendment 2 to **Assembly Bill 883** by Senators Braun, Maurer, Strohl and Bidwell.

Senate amendment 4 to **Assembly Bill 1043** by Senator Flynn.

Senate amendment 1 to **Assembly Bill 1065** by Senator Adelman.

Senate amendment 2 to **Assembly Bill 1065** by Senator Adelman.

Senate amendment 3 to **Assembly Bill 1065** by Senators Hanaway and Bear.

Senate amendment 2 to senate substitute amendment 3 to **Assembly Bill 77** by Senator Kleczka.

Upon the motion of Senator Bablitch the senate adjourned.

4:12 P.M.

GUESTS

During today's session, the following visitors honored the senate with their presence:

Mr. and Mrs. Mark LeLindert and Mr. and Mrs. Glenn Hilbelink of Cedar Grove, Wisconsin, guests of Senator Opitz.