

JOURNAL OF THE SENATE [June 2, 1971]

STATE OF WISCONSIN

Senate Journal

Eightieth Session

WEDNESDAY, June 2, 1971.

8:30 A.M.

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

Prayer was offered by Senator Swan.

LEAVE OF ABSENCE

By request of Senator Keppler, with unanimous consent, Senator Krueger was granted a leave of absence for the balance of this week's sessions.

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

Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, K e n d z i o r s k i, Keppler, Knowles, Knutson, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—31.

Absent with leave—Senators Bidwell and Krueger—2.

AMENDMENTS OFFERED

Senate amendment 1 to Assembly Bill 38 by Senator Parys.

JOURNAL OF THE SENATE [June 2, 1971]

Senate substitute amendment 1 to **Assembly Bill 130** by Senators Steinhilber, Knutson, Soik, Whittow, Lourigan and Martin.

Senate substitute amendment 1 to **Senate Resolution 23** by Senator Keppler.

Senate substitute amendment 1 to **Senate Resolution 26** by Senator Soik.

Senate amendment 1 to senate substitute amendment 1 to **Senate Bill 173** by Senator Soik.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 66

To amend article VI, section 4 of the constitution, relating to a 4-year term of office for sheriffs (1st consideration).

By Senators Bidwell, Swan, Dorman, Knowles, McKenna and Frank; co-sponsored by Representatives Boeckmann, Mielke, Lewison, Day and Wackett, by request of Wisconsin Sheriffs and Deputy Sheriffs Association.

Read first time and referred to committee on Judiciary.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 567

Relating to assessed valuation of annexed property.

By Senators Thompson and Heinzen.

To committee on Education.

Senate Bill 568

Relating to town board membership in certain towns.

By Senator Chilsen.

To committee on Governmental and Veterans' Affairs.

Senate Bill 569

Relating to venereal disease tests and medical treatment for detained children and children found delinquent.

By Senator Schuele, by request of Milwaukee County.

To committee on Health and Social Services.

JOURNAL OF THE SENATE [June 2, 1971]

Senate Bill 570

Relating to the transfer of the municipal audit function from the department of administration to the department of revenue, and transferring appropriations.

By Senator Hollander; co-sponsored by Representative Molinaro, by request of Department of Administration and Department of Revenue.

To joint committee on Finance.

PETITIONS AND COMMUNICATIONS

Senate Petition 150

A petition by 352 citizens of Wisconsin in opposition to Senate Bill 138.

Introduced by Senator Peloquin.

Read and referred to committee on Education.

Senate Petition 151

A petition of 136 citizens and taxpayers residing in Brown and Calumet Counties who are opposed to state aid for private and religious schools.

Introduced by Senator Lotto.

Read and referred to committee on Education.

Senate Petition 152

A petition by 23 residents of Milwaukee County urging passage of Senate Bill 182 and Assembly Bill 346.

Introduced by Senator Schuele.

Read and referred to committee on Natural Resources.

Senate Petition 153

A petition by 88 citizens of the 31st Senate District opposing any form of public aid to private and parochial schools, direct or indirect.

Introduced by Senator Johnson.

Read and referred to committee on Education.

Senate Petition 154

A petition by 40 residents of the 19th District asking Governor Lucey to reconsider his proposal for the Wisconsin Veterans' Program as contained in A-414.

Introduced by Senator Steinhilber.

Read and referred to joint committee on Finance.

JOURNAL OF THE SENATE [June 2, 1971]

Senate Petition 155

A petition by 165 residents of the 12th Senatorial District in opposition to **Senate Bill 138** relating to tuition grants for pupils in private schools.

Introduced by Senator Krueger.

Read and referred to committee on Education.

Senator Kendziorski in the chair.

8:40 A.M.

MESSAGE FROM THE ASSEMBLY

By Thomas P. Fox, chief clerk.

Mr. President:

I am directed to inform you that the assembly has adopted and asks concurrence in:

Motion Under Joint Rule 26:

A joint certificate of Commendation by Representative Sensenbrenner; co-sponsored by Representative Soik to Michael R. Murr on his selection as the Outstanding Teenager of Wisconsin.

And passed and asks concurrence in:

Assembly Bill 68,
Assembly Bill 69,
Assembly Bill 70 and
Assembly Bill 274.

MESSAGE FROM THE ASSEMBLY CONSIDERED

Motion Under Joint Rule 26:

A joint certificate of commendation by Representative Sensenbrenner; co-sponsored by Representative Soik to Michael R. Murr on his selection as the Outstanding Teenager of Wisconsin.

Read and concurred in.

Assembly Bill 68

An act to appropriate \$970.80 from the general fund for payment of a claim made by Clyde C. Culbertson against the state.

Read first time and referred to committee on Judiciary.

JOURNAL OF THE SENATE [June 2, 1971]

Assembly Bill 69

An act to appropriate \$1,523.82 from the general fund for payment of a claim made by the city of Whitewater against the state.

Read first time and referred to joint committee on Finance.

Assembly Bill 70

An act to appropriate \$1,509.88 from the conservation fund for payment of a claim made by the city of Monona against the state.

Read first time and referred to joint committee on Finance.

Assembly Bill 274

An act to renumber 121.54 (2) (b) 2; to amend 121.54 (2) (b) 1 and 121.54 (2) (c); and to create 121.54 (2) (b) 2 of the statutes, relating to transportation of students by elementary school districts.

Read first time and referred to committee on Education.

MOTIONS

By request of Senator Knowles, with unanimous consent, **Senate Joint Resolution 64** was withdrawn from the table and considered for action.

By request of Senator McKenna, with unanimous consent, he was made a co-author of **Senate Joint Resolution 64**.
Senate amendment 1 offered by Senator Johnson.

By request of Senator Keppler, with unanimous consent, **Senate Joint Resolution 64** was laid aside.

CALENDAR OF MAY 21

Senate Bill 138

Relating to state grants for students attending private schools, changing the name of the Higher Educational Aids Board, providing income and gift tax exemptions and making an appropriation.

Read.

JOURNAL OF THE SENATE [June 2, 1971]

The question was: Adoption of senate amendment 9 to senate substitute amendment 4?

The president pro tempore in the chair.

9:05 A.M.

Senator Swan moved rejection.

Senator Hollander 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 Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—31.

Absent with leave—Senators Bidwell and Krueger—2.

The president of the senate in the chair.

9:45 A.M.

The question was: Shall senate amendment 9 to senate substitute amendment 4 to Senate Bill 138 be rejected?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 15; absent or not voting, 2; as follows:

Ayes—Senators Busby, Cirilli, Dorman, Frank, Johnson, Kendziorski, Lipscomb, McKenna, Murphy, Parys, Peloquin, Risser, Steinhilber, Swan, Thompson and Whittow—16.

Noes—Senators Chilsen, Devitt, Heinzen, Hollander, Keppler, Knowles, Knutson, LaFave, Lorge, Lotto, Lourigan, Martin, Roseleip, Schuele and Soik—15.

Absent or not voting—Senators Bidwell and Krueger—2.

So senate amendment 9 to senate substitute amendment 4 was rejected.

JOURNAL OF THE SENATE [June 2, 1971]

Senate amendment 10 to senate substitute amendment 4 offered by Senator Heinzen.

Senator Swan moved rejection of the amendment.

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

Ayes—Senators Busby, Chilsen, Cirilli, Dorman, Frank, Hollander, Johnson, Keppler, Knutson, Lorge, Lotto, McKenna, Martin, Murphy, Peloquin, Risser, Schuele, Soik, Steinhilber, Swan and Thompson—21.

Noes—Senators Devitt, Heinzen, Kendziorski, Knowles, LaFave, Lipscomb, Lourigan, Parys, Roseleip and Whittow—10.

Absent or not voting—Senators Bidwell and Krueger—2.

So senate amendment 10 to senate substitute amendment 4 was rejected.

Senator Keppler asked unanimous consent to change his vote on senate amendment 9 to senate substitute amendment 4.

Senator Hollander objected.

The president pro tempore in the chair.

10:15 A.M.

Senator Hollander moved reconsideration of the vote by which senate amendment 1 to senate substitute amendment 4 to Senate Bill 138 was rejected.

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

Ayes—Senators Dorman, Frank, Johnson, Knowles, McKenna, Murphy, Risser, Soik, Steinhilber and Thompson—10.

Noes—Senators Busby, Chilsen, Cirilli, Devitt, Heinzen, Hollander, Kendziorski, Keppler, Knutson, LaFave, Lipscomb, Lorge, Lotto, Lourigan, Martin, Parys, Peloquin, Roseleip, Schuele, Swan and Whittow—21.

Absent or not voting—Senators Bidwell and Krueger—2.

So the motion for reconsideration did not prevail.

JOURNAL OF THE SENATE [June 2, 1971]

Senator Parys moved reconsideration of the vote by which senate amendment 2 to senate substitute amendment 4 was adopted.

Senator Kendziorski in the chair.

11:10 A.M.

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

Ayes—Senators Busby, Chilsen, Devitt, Frank, Heinzen, Johnson, Keppler, LaFave, Lipscomb, Lorge, Martin, Parys, Peloquin and Thompson—14.

Noes—Senators Cirilli, Dorman, Hollander, Kendziorski, Knowles, Knutson, Lotto, Lourigan, McKenna, Murphy, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan and Whittow—17.

Absent or not voting—Senators Bidwell and Krueger—2.

The motion for reconsideration did not prevail.

Senator Parys moved reconsideration of the vote by which senate amendment 5 to senate substitute amendment 4 to Senate Bill 138 was rejected.

The ayes and noes were demanded and the vote was: ayes, 9; noes, 22; absent or not voting, 2; as follows:

Ayes—Senators Dorman, Frank, Johnson, Lipscomb, Murphy, Parys, Peloquin, Soik and Thompson—9.

Noes—Senators Busby, Chilsen, Cirilli, Devitt, Heinzen, Hollander, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Risser, Roseleip, Schuele, Steinhilber, Swan and Whittow—22.

Absent or not voting—Senators Bidwell and Krueger—2.

The motion for reconsideration did not prevail.

The question was: Adoption of senate substitute amendment 4 to Senate Bill 138?

Senate substitute amendment 4 was adopted.

Senate Bill 138

Senator Steinhilber moved indefinite postponement.

JOURNAL OF THE SENATE [June 2, 1971]

LEAVE OF ABSENCE

By request of Senator Thompson, with unanimous consent, Senators Thompson, Martin and Lotto were granted a leave of absence at 11:55 A.M. for the balance of today's session.

The question was: Shall Senate Bill 138 be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 8; noes, 19; absent or not voting, 2; paired, 4; as follows:

Ayes—Senators Frank, Knowles, Lipscomb, Murphy, Peloquin, Risser, Soik and Steinhilber—8.

Noes—Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knutson, LaFave, Lorge, Lourigan, Parys, Roseleip, Schuele, Swan and Whittow—19.

Absent or not voting—Senators Bidwell and Krueger—2.

Paired—Senator Thompson for indefinite postponement; Senator Lotto against indefinite postponement; Senator McKenna for indefinite postponement; Senator Martin against indefinite postponement—4.

The motion for indefinite postponement did not prevail.

Senate amendment 11 to senate substitute amendment 4 offered by Senator Lipscomb.

Senator Swan moved rejection.

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

Ayes—Senators Cirilli, Dorman, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, LaFave, Lorge, Lourigan, Murphy, Risser, Roseleip, Schuele, Soik, Swan and Whittow—18.

Noes—Senators Busby, Chilsen, Devitt, Frank, Heinzen, Lipscomb, McKenna, Parys, Peloquin and Steinhilber—10.

Absent or not voting—Senators Bidwell, Krueger, Lotto, Martin and Thompson—5.

So senate amendment 11 to senate substitute amendment 4 was rejected.

JOURNAL OF THE SENATE [June 2, 1971]

The president of the senate in the chair.

12:10 P.M.

Senate Bill 138

The question was: Shall Senate Bill 138 be ordered to a third reading?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 6; absent or not voting, 2; paired, 4; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knutson, LaFave, Lipscomb, Lorge, Lourigan, Parys, Peloquin, Roseleip, Schuele, Swan and Whittow—21.

Noes—Senators Frank, Knowles, Murphy, Risser, Soik and Steinhilber—6.

Absent or not voting—Senators Bidwell and Krueger—2.

Paired—Senator Martin for ordering to a third reading; Senator McKenna against ordering to a third reading; Senator Lotto for ordering to a third reading; Senator Thompson against ordering to a third reading—4.

So the bill was ordered to a third reading.

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

Senate Bill 138

Read a third time.

The ayes and noes were required and the vote was: ayes, 20; noes, 7; absent or not voting, 2; paired, 4; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knutson, LaFave, Lipscomb, Lorge, Lourigan, Parys, Roseleip, Schuele, Swan and Whittow—20.

Noes—Senators Frank, Knowles, Murphy, Peloquin, Risser, Soik and Steinhilber—7.

Absent or not voting—Senators Bidwell and Krueger—2.

Paired—Senator Martin for passage; Senator McKenna against passage; Senator Lotto for passage; Senator Thompson against passage—4.

So the bill passed.

JOURNAL OF THE SENATE [June 2, 1971]

By request of Senator LaFave, with unanimous consent, the bill was ordered immediately messaged to the assembly.

LEAVE OF ABSENCE

Senator Whittow, with unanimous consent, was granted a leave of absence for tomorrow's session.

Senator Chilsen moved reconsideration of the vote by which Senate Bill 455 passed.

The motion for reconsideration was laid over pursuant to Senate Rule 67, Paragraph 4.

By request of Senator Keppler, with unanimous consent, the senate returned to the third, fourth, fifth, sixth and eighth orders of business.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 30

Relating to creating Senate Rule 73 (4), concerning voting after ayes and noes have been announced.

Analysis by the Legislative Reference Bureau

This senate resolution creates a senate rule prohibiting the including in the official roll call vote the vote of a person not voting prior to the announcement of the presiding officer of the ayes and noes.

Resolved by the senate, That Senate Rule 73 (4) is created to read:

SENATE RULE 73 (4) In case the vote is by ayes and noes, a member not voting prior to the announcement by the presiding officer of the ayes and noes shall not have his vote included in the official roll call vote.

By Senator Peloquin.

Read and referred to the calendar of June 9 pursuant to Senate Rule 89.

JOURNAL OF THE SENATE [June 2, 1971]

BILLS INTRODUCED

Read first time and referred:

Senate Bill 571

Relating to towns which may become cities.

By Senators Devitt and LaFave.

To committee on Governmental and Veterans' Affairs.

Senate Bill 572

Relating to composition of the Milwaukee school board.

By Senators Parys and Lipscomb; co-sponsored by Representatives Kessler, Sanasarian, Berger, Barbee, Bultman and Conta.

To committee on Education.

COMMITTEE REPORTS

**REPORT OF JOINT SURVEY COMMITTEE ON
RETIREMENT SYSTEMS**

Appendix to Senate Bill 503

Recommendation

Achieving the commendable goal of properly improving the level of retirement benefits provided state and municipality members of the Wisconsin Retirement Fund in order that said benefits will compare with the average provided by other systems makes enactment of this bill imperative. Therefore, it is the opinion of this Committee that passage of this bill is highly desirable and is in the best public interest.

Respectfully submitted,

**JOINT SURVEY COMMITTEE
ON RETIREMENT SYSTEMS**

REUBEN LaFAVE,

Chairman.

ALVIN BALDUS,

Vice-Chairman.

Read and referred to joint committee on Finance.

JOURNAL OF THE SENATE [June 2, 1971]

PETITIONS AND COMMUNICATIONS

Senate Petition 156

A petition by 174 residents of the 15th Senatorial District in support of **Senate Bill 138**.

Introduced by Senator Swan.

Read and referred to committee on Education.

Senate Petition 157

A petition by 239 citizens expressing their opposition to **Senate Bill 138**, relating to state grants for students attending private schools, changing the name of the higher educational aids board, providing income and gift tax exemptions and making an appropriation.

Introduced by Senator Keppler.

Read and referred to committee on Education.

Senate Petition 158

A petition by 254 residents of Waupaca County opposing proposals for the Wisconsin Veterans' Program as contained in **Assembly Bill 414**, and supporting **Senate Bill 163** relating to deposits in the veterans' trust fund.

Introduced by Senator Lorge.

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

MESSAGE FROM THE ASSEMBLY

By Thomas P. Fox, chief clerk.

Mr. President:

I am directed to inform you that the assembly has adopted and asks concurrence in:

Motion Under Joint Rule 26:

A joint certificate of Commendation by Representatives Huber and Lynn; co-sponsored by Senator Busby for Fred Zirkel on his retirement.

JOURNAL OF THE SENATE [June 2, 1971]

MESSAGE FROM THE ASSEMBLY CONSIDERED

Motion Under Joint Rule 26:

A joint certificate of Commendation by Representatives Huber and Lynn; co-sponsored by Senator Busby for Fred Zirkel on his retirement.

Read and concurred in.

**Upon motion of Senator Keppler, with unanimous consent, the senate adjourned until June 3 at 8:30 A.M.
12:35 P.M.**

INTRODUCTION OF GUESTS

Senator Devitt introduced 70 students from the 5th grade of Parkway Elementary School with Miss McDonald, Miss See and Mr. Nicholson, South Milwaukee, Wisconsin.

Senator Swan introduced, Mr. Dick Past, Mr. Lutery and Mr. Smith, Rock County Supervisors, Rock County, Wisconsin.

Senator Chilsen introduced, 37 5th grade Safety Patrol students from Thomas Jefferson School with Mr. Dennis Carey and Mrs. Annette Molone, Wausau, Wisconsin.

Senator Chilsen introduced, 45 4th grade students from Maine School with Mr. Roger Sommi and Mrs. B. Neumann from Wausau, Wisconsin.

Senator McKenna introduced, the 4th graders from Purdy School with Mrs. Klug, Fort Atkinson, Wisconsin.

Senator Schuele introduced 30 students from the 6th grade of Congress School with Julius Gollup, teacher and parents, Mrs. Gallatin, Mrs. Kirby, Mrs. Gruenweller, Mrs. Campagna, Mrs. Krane, Mrs. Herbert and guest Howard Gollup, Milwaukee, Wisconsin.

JOURNAL OF THE SENATE [June 2, 1971]

Senator Swan introduced 39 students of the 6th grade from Wight School with Mrs. Duncan, Miss Miller, Mr. Condie, Rockford, Illinois.

Senator Dorman introduced 22 8th graders from Trinity Lutheran School with Mr. Seefeldt, Racine, Wisconsin.

Senator Soik introduced 60 3rd graders from St. Catherine School with Mrs. Mattinla and Mrs. San Felippo, Milwaukee, Wisconsin.

Senator Johnson introduced Mrs. Ernest Keppier from Sheboygan, Wisconsin.