

STATE OF WISCONSIN

Senate Journal

Eightieth Session

THURSDAY, June 24, 1971.

8:30 A.M.

The senate met.

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

Prayer was offered by the Reverend John F. Hendrickson, Clergy Council Mission Chapel.

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

Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lipscomb, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Pelouquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—32.

Absent—Senator Lorge—1.

Upon motion of Senator Keppler, with unanimous consent, the senate recessed until 10:00 A.M.

8:35 A.M.

RECESS

10:00 A.M.

The senate reconvened.

President pro tempore in the chair.

JOURNAL OF THE SENATE [June 24, 1971]

By request of Senator Keppler, with unanimous consent, the senate will adjourn today in honor of the birthdays of the chief clerk, William Nugent and Senator Krueger.

President in the chair.

10:15 A.M.

Upon motion of Senator Keppler, with unanimous consent, the senate recessed until 2:00 P.M.

10:20 A.M.

RECESS

2:00 P.M.

The senate reconvened.

AMENDMENTS OFFERED

Senate substitute amendment 1 to Senate Bill 43 by Senator Busby, by request of Senate Judiciary Committee.

Senate amendment 2 to Senate Bill 299 by Senator Kendziorski.

Senate amendment 1 to Senate Bill 332 by Senator Soik.

Senate substitute amendment 1 to Senate Bill 343 by Senator Risser, by request of Governor Patrick J. Lucey.

Senate amendment 1 to senate substitute amendment 1 to Senate Bill 442 by Senator Hollander.

Senate amendment 17 to Assembly Bill 414 by Senator Heinzen.

Senate amendment 18 to Assembly Bill 414 by Senators Hollander and Heinzen.

Senate amendment 19 to Assembly Bill 414 by Senator Hollander.

JOURNAL OF THE SENATE [June 24, 1971]

Senate amendment 20 to Assembly Bill 414 by joint committee on Legislative Organization.

Senate amendment 21 to Assembly Bill 414 by Senators McKenna, Lourigan, Frank, Martin and Peloquin.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 72

To amend article VI, section 4 of the constitution, removing the prohibition against county liability for the acts of sheriffs (1st consideration).

By Senators Devitt and Steinhilber, by request of Attorney General Robert W. Warren.

Read and referred to committee on Judiciary.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 613

Relating to violations of housing codes.

By Senator Soik; co-sponsored by Representative Conta, by request of Lakeside Community Council.

To committee on Housing and Urban Development.

Senate Bill 614

Relating to fingerprinting of a person not in custody.

By Senators Murphy and Devitt, by request of Attorney General Robert W. Warren.

To committee on Judiciary.

Senate Bill 615

Relating to a driver's duty upon striking a person or an automobile.

By Senators Devitt, Soik, Lorge and Chilsen, by request of Attorney General Robert W. Warren.

To committee on Judiciary.

JOURNAL OF THE SENATE [June 24, 1971]

Senate Bill 616

Relating to criminal trespass to buildings other than dwellings and providing a penalty.

By Senators Johnson, Lorge, Soik, Swan, Knutson, Murphy, Devitt, Steinhilber, Heinzen and Keppler, by request of Attorney General Robert W. Warren.

To committee on Judiciary.

Senate Bill 617

Relating to loitering as a form of vagrancy.

By Senators Devitt, Soik, Swan, Steinhilber and Keppler, by request of Attorney General Robert W. Warren.

To committee on Judiciary.

Senate Bill 618

Relating to proper identification of a defendant.

By Senators Devitt, Murphy, Soik and Swan, by request of Attorney General Robert W. Warren.

To committee on Judiciary.

Senate Bill 619

Relating to the definition of dangerous weapon.

By Senators Johnson, Soik, Murphy, Devitt and Chilsen, by request of Attorney General Robert W. Warren.

To committee on Judiciary.

Senate Bill 620

Relating to issuance of summons in battery cases.

By Senators Devitt and Steinhilber, by request of Attorney General Robert W. Warren.

To committee on Judiciary.

Senate Bill 621

Relating to sending records of criminal convictions to the U.S. department of justice and use of such records.

By Senator Johnson, by request of Attorney General Robert W. Warren.

To committee on Judiciary.

Senate Bill 622

Relating to gambling.

By Senator Murphy, by request of Attorney General Robert W. Warren.

To committee on Judiciary.

JOURNAL OF THE SENATE [June 24, 1971]

Senate Bill 623

Relating to revoking local option as to law enforcement standards.

By Senators Murphy and Chilsen, by request of Attorney General Robert W. Warren.

To committee on Judiciary.

Senate Bill 624

Relating to increasing the penalty for loitering on a roadway.

By Senators Johnson, Soik, Swan and Devitt, by request of Attorney General Robert W. Warren.

To committee on Judiciary.

COMMITTEE REPORTS

The committee on Judiciary reports and recommends for introduction:

Senate Bill 625

(By request of G. Donald Barnes, Eau Claire) Relating to a state compliance with local building zoning ordinances.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Housing and Urban Development.

Senate Bill 626

(By request of Taxation Section, State Bar of Wisconsin) Relating to income tax effect upon corporations of corporate distributions and adjustments.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to joint Survey committee on Tax Exemptions.

Senate Bill 627

Relating to giving courts broad discretion in taxing costs.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Judiciary.

ALLEN J. BUSBY,
Chairman.

JOURNAL OF THE SENATE [June 24, 1971]

The committee on Transportation reports and recommends for introduction:

Senate Bill 628

Relating to payment by the state of a portion of local property taxes on homesteads of elderly persons.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Housing and Urban Development.

Senate Bill 629

Relating to requiring inspection of homemade vehicles prior to registration.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Transportation.

Senate Bill 630

Relating to fee increases for certificates of registration and registration plates.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Transportation.

Senate Bill 631

Relating to cancellation of operators' licenses.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Transportation.

Senate Bill 632

Relating to the power of the administrator of the division of motor vehicles.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Transportation.

Senate Bill 633

Relating to misrepresentation at driver's license examinations.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Transportation.

JOURNAL OF THE SENATE [June 24, 1971]

Senate Bill 634

Relating to airport site certification and making an appropriation.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Transportation.

Senate Bill 635

Relating to merging traffic.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Transportation.

Senate Bill 636

Relating to the regulation and licensing of outdoor advertising and advertisers.

Introduction; Ayes, 5; Noes, 0.

Read first time and referred to committee on Natural Resources.

Senate Bill 637

Relating to gasoline oil corporation unfair trade practices and providing penalties.

Introduction; Ayes, 5; Noes, 0.

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

Senate Joint Resolution 73

Relating to the creation of a joint committee to investigate gasoline company price-setting policies.

Introduction; Ayes, 5; Noes, 0.

Read and referred to committee on Transportation.

REUBEN LaFAVE,
Chairman.

The committee on Commerce, Labor, Taxation, Insurance and Banking reports and recommends:

Senate Bill 432

Relating to employment provisions for railroad train crews and switching crews.

Adoption of senate amendment 2; Ayes, 4; Noes, 1 and passage as amended; Ayes, 4; Noes, 1.

JOURNAL OF THE SENATE [June 24, 1971]

Assembly Bill 72

Relating to recruitment of strikebreakers, and providing a penalty.

Adoption of senate amendment 1; Ayes, 4; Noes, 1; adoption of senate amendment 2; Ayes, 3; Noes, 2; rejection of senate substitute amendment 1; Ayes, 5; Noes, 0; rejection of senate amendment 3; Ayes, 5; Noes, 0; adoption of senate amendment 1 to senate amendment 2; Ayes, 3; Noes, 2 and concurrence as amended; Ayes, 3; Noes, 2.

ROGER P. MURPHY,
Acting Chairman.

The committee on Commerce, Labor, Taxation, Insurance and Banking reports and recommends:

Senate Bill 333

Relating to municipal labor relations.

Rejection of senate substitute amendment 1; Ayes, 4; Noes, 1; adoption of senate amendment 1 to senate substitute amendment 1; Ayes, 5; Noes, 0 and passage as amended; Ayes, 3; Noes, 2.

Senate Bill 344

Relating to eliminating filing fees for late income tax returns.

Rejection of senate amendment 1; Ayes, 5; Noes, 0; rejection of senate amendment 2; Ayes, 5; Noes, 0 and indefinite postponement; Ayes, 5; Noes, 0.

Senate Bill 362

Relating to insurance company investigations and policy cancellations and nonrenewals and providing a penalty.

Indefinite postponement; Ayes, 5; Noes, 0.

Senate Bill 413

Relating to homestead credit for disabled persons.

Passage; Ayes, 4; Noes, 1.

Senate Bill 438

Relating to residence requirements for directors, borrowing resolutions and emergency closing of banks.

Passage; Ayes, 4; Noes, 1.

JOURNAL OF THE SENATE [June 24, 1971]

Senate Bill 468

Relating to a general revision of the insurance law relating to town mutual company law.

Passage; Ayes, 4; Noes, 1.

Senate Bill 469

Relating to a general revision of the insurance law relating to insurance company law.

Adoption of senate amendment 1; Ayes, 5; Noes, 0 and passage as amended; Ayes, 4; Noes, 1.

Senate Bill 470

Relating to optional cumulative voting for stock and mutual corporations.

Passage; Ayes, 5; Noes, 0.

Senate Bill 482

Relating to definition of "employment" under the unemployment compensation law.

Passage; Ayes, 3; Noes, 2.

Senate Bill 542

Relating to inventory reports with income tax returns.

Passage; Ayes, 5; Noes, 0.

Assembly Bill 63

Relating to alterations in child labor laws and creating a council on child labor in the department of industry, labor and human relations.

Introduction of senate amendment 1; Ayes, 5; Noes, 0; adoption of senate amendment 1; Ayes, 5; Noes, 0 and concurrence as amended; Ayes, 5; Noes, 0.

Assembly Bill 527

Relating to standard weights for loaves of bread.

Concurrence; Ayes, 5; Noes, 0.

ROGER P. MURPHY,
Acting Chairman.

JOURNAL OF THE SENATE [June 24, 1971]

The joint committee on Finance reports and recommends:

Senate Bill 164

Relating to photographs on driver's licenses and increase in license fees.

Adoption of senate amendment 1; Ayes, 13; Noes, 0; emergency statement recommended; Ayes, 10; Noes, 3 and passage as amended with emergency statement; Ayes, 10; Noes, 3.

WALTER G. HOLLANDER,
Chairman.

The committee on Education reports and recommends:

Senate Bill 300

Relating to adjustment of school district or vocational district property tax payments.

Adoption of senate amendment 1; Ayes, 5; Noes, 0 and passage as amended; Ayes, 4; Noes, 1.

Senate Bill 416

Relating to teacher retirement benefits during long periods of disability.

Adoption of senate substitute amendment 1; Ayes, 4; Noes, 1 and passage as amended; Ayes, 4; Noes, 1.

Senate Bill 586

Relating to temporary borrowing by vocational, technical and adult education districts.

Passage; Ayes, 5; Noes, 0.

Assembly Joint Resolution 10

Relating to the use of school buildings during nonschool hours by civic, religious or charitable organizations (2nd consideration).

Concurrence; Ayes, 5; Noes, 0.

Assembly Joint Resolution 17

Relating to released time for religious instruction (2nd consideration).

Concurrence; Ayes, 5; Noes, 0.

RAY F. HEINZEN,
Chairman.

JOURNAL OF THE SENATE [June 24, 1971]

The committee on Transportation reports and recommends:

Senate Bill 411

Relating to directing the motor vehicle division to comply with federal statutes.

Passage; Ayes, 5; Noes, 0.

Senate Bill 512

Relating to exempting emergency vehicles from weight and length limitations when using highways.

Passage; Ayes, 5; Noes, 0.

Assembly Bill 227

Relating to prohibiting junk storage near county trunk highways.

Concurrence; Ayes, 4; Noes, 1.

REUBEN LaFAVE,
Chairman.

PETITIONS AND COMMUNICATIONS

Senate Petition 186

A petition by 37 citizens of Wisconsin in support of Senate Joint Resolution 41, relating to requesting the President of the United States to exercise his powers of executive clemency on behalf of Lieutenant William L. Calley, Jr.

Introduced by Senator Roseleip.

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:

Motions Under Joint Rule 26:

JOURNAL OF THE SENATE [June 24, 1971]

A joint certificate of Congratulations by all the Representatives from Milwaukee County; co-sponsored by Senators Whittow and Parys for Mayor Henry Maier on his election as president of the U. S. Conference of Mayors,

A joint certificate of Congratulations by Representative Atkinson; co-sponsored by Senator Frank for City of South Milwaukee on the occasion of the 26th Annual Wisconsin Spectacle of Music,

A joint certificate of Congratulations by Representative Atkinson; co-sponsored by Senator Frank for The City of Cudahy on the annual Fair-Fest Program,

A joint certificate of Condolence by Representatives Stalbaum, Farrall and Brown; co-sponsored by Senator Dorman for the Family of Martin H. Herzog on his death, and

A joint certificate of Commendation by Representative Grover; co-sponsored by Senator Chilsen for Mr. Lewellyn Buth on his retirement.

Passed and asks concurrence in:

Assembly Bill 314,
Assembly Bill 478,
Assembly Bill 573,
Assembly Bill 690,
Assembly Bill 734,
Assembly Bill 736,
Assembly Bill 1000 and
Assembly Bill 1092.

Concurred in:

Senate amendment 1 to Assembly Bill 76 and
Senate Bill 390.

MESSAGE FROM THE ASSEMBLY CONSIDERED

Motions Under Joint Rule 26:

A joint certificate of Congratulations by all the Representatives from Milwaukee County; con-sponsored by Senators Whittow and Parys for Mayor Henry Maier on his election as president of the U. S. Conference of Mayors,

JOURNAL OF THE SENATE [June 24, 1971]

A joint certificate of Congratulations by Representative Atkinson; co-sponsored by Senator Frank for City of South Milwaukee on the occasion of the 26th Annual Wisconsin Spectacle of Music,

A joint certificate of Congratulations by Representative Atkinson; co-sponsored by Senator Frank for The City of Cudahy on the annual Fair-Fest Program,

A joint certificate of Condolence by Representatives Stalbaum, Ferrall and Brown; co-sponsored by Senator Dorman for the Family of Martin H. Herzog on his death,

A joint certificate of Commendation by Representative Grover; co-sponsored by Senator Chilsen for Mr. Lewellyn Buth on his retirement.

Read and concurred in en masse.

Assembly Bill 478

Relating to prohibiting the showing of "X-rated" movies at outdoor theaters and providing a penalty.

By Representatives Dorff, Klicka, Tregoning, Wilcox, Ellis, Quackenbush, Schwefel, Schroeder, Alberts, Byers, Kafka, Conradt, Wackett, Froehlich, Wilger, Stalbaum, Oestreicher, Slaby, Oberle, Mohn, Lynn, Hanna, Kleczka, Bolle, Mato and Jackson.

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

Assembly Bill 314

Relating to defining the rights of inhabitants of the state inducted or serving in the military forces of the United States.

By Representatives Nager and Miller; co-sponsored by Senator Risser.

Read first time and referred to committee on Judiciary.

Assembly Bill 1000

Relating to bases for state employe pay increases.

By Representative Molinaro; co-sponsored by Senator Hollander.

Read first time.

JOURNAL OF THE SENATE [June 24, 1971]

By request of Senator Risser, with unanimous consent, **Assembly Bill 1000** was laid on the table.

Senator Hollander asked unanimous consent to withdraw **Assembly Bill 1000** from the table and consider it for action at this time.

Senator Schuele objected.

Assembly Bill 1092

Relating to recertifications of school district equalized valuation.

By Representatives Jackamonis and Berger; co-sponsored by Senator Murphy.

Read first time.

By request of Senator Murphy, with unanimous consent, **Assembly Bill 1092** was laid on the table.

Assembly Bill 573

Relating to enforcement of truck overweight laws.

By Representatives Brown, Sicula, Tregoning, Vanderperren, Groshek, Bolle, Day and Gaulke; co-sponsored by Senator Peloquin.

Read first time and referred to committee on Transportation.

Assembly Bill 690

Relating to the definition of employe in the minimum wage law.

By Representatives W. A. Johnson, Otte, Brown, Mielke, Roberts, Mohn, Dorff and Bultman.

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

Assembly Bill 734

Relating to local governmental contracting for joint projects and planning.

By Representatives Bradley, Conradt, Tregoning, Day, Schricker, Byers, Gaulke, Grover, R. M. Thompson, Froehlich, Mohn, Hephner and Duren; co-sponsored by Senators Roseleip and Martin.

Read first time and referred to committee on Housing and Urban Development.

JOURNAL OF THE SENATE [June 24, 1971]

Assembly Bill 736

Relating to reorganization of chapter 101.

By Representatives W. A. Johnson, Brown and Looby.

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

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, over one billion innocent people in the world have been subjugated to the force of World Communism during the last fifty years, and

Whereas, these people hail from no less than twenty-seven captive nations behind the Iron, Bamboo, and Sugar Curtains, and

Whereas, the Congress of the United States in July, 1959 recognized the existence of Captive Nations and authorized the celebration of Captive Nations Week as a tribute to those enslaved nations and people around the world deprived of elementary freedoms and liberties, and,

Whereas, the spirit of freedom fights ever onward in the hearts and minds of these Captive Nations and peoples; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senators Devitt and Lourigan, and Representative Stalbaum, under Joint Rule 26, do commend and encourage the Captive Nations of their fight for freedom from the tyrannous forces of World Communism, and take solemn pause to observe the annual Captive Nations Week celebration to be held on Sunday, July 13, 1969 in Kenosha, Wisconsin.

By request of Senator Risser, with unanimous consent, the above motion under Joint Rule 26 was laid aside.

MOTIONS

Senator Steinhilber asked unanimous consent to withdraw **Assembly Bill 734** from the committee on Housing and Urban Development and lay it on the table.

JOURNAL OF THE SENATE [June 24, 1971]

Senator Risser objected.

By request of Senator Busby, with unanimous consent, Senate Bill 450 was withdrawn from the table and re-referred to committee on Judiciary.

By request of Senator Busby, with unanimous consent, Assembly Bill 68 was withdrawn from the committee on Judiciary and referred to the calendar.

By request of Senator Dorman, with unanimous consent, Senate Bill 16 was withdrawn from the committee on Judiciary and returned to the author.

Upon motion of Senator Schuele, with unanimous consent, the senate recessed until 3:15 P.M.

2:35 P.M.

RECESS

3:15 P.M.

The senate reconvened.

The question was: Shall the Motion Under Joint Rule 26, relating to Captive Nations, be adopted?

Senator Risser asked unanimous consent to table the Motion Under Joint Rule 26.

Senator Lourigan objected.

Senator Knowles raised the point of order that the Joint Rule 26 before the senate was not a proper subject for a Motion Under Joint Rule 26.

The chair took the point of order under advisement.

JOURNAL OF THE SENATE [June 24, 1971]

By request of Senator Keppler, with unanimous consent, Assembly Bill 1000 was withdrawn from the table and considered for action at this time.

Assembly Bill 1000

Relating to bases for state employe pay increases.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 1000

Read a third time.

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

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Krueger, L a F a v e , Lipscomb, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Thompson and Whittow—30.

Noes—Senators Knutson and Swan—2.

Absent or not voting—Senator Lorge—1.

So the bill was concurred in.

Ordered immediately messaged.

By request of Senator Keppler, with unanimous consent, Assembly Bill 1092 was withdrawn from the table and considered for action at this time.

Assembly Bill 1092

Relating to recertifications of school district equalized valuation.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 1092

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:

JOURNAL OF THE SENATE [June 24, 1971]

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lipscomb, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Pelouquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—32.

Noes—None.

Absent or not voting—Senator Lorge—1.

So the bill was concurred in.

Ordered immediately messaged.

Upon motion of Senator Keppler, with unanimous consent, the senate adjourned until 8:30 A.M., Friday, June 25.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 288

On page 15, line 12, substitute "provided" for "provide".

Senate Bill 593

On page 2, line 10, change "On" to "One".

On page 2, line 15, change "board" to "broad".