

JOURNAL OF THE SENATE [February 22, 1972]

STATE OF WISCONSIN

Senate Journal

Eightieth Session

TUESDAY, February 22, 1972.

10:00 o'clock A.M.

The senate met.

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

Prayer was offered by Father Joachim Culotta, O.P., associate pastor of Blessed Sacrament Catholic Church of Madison.

The senate remained standing and recited the pledge of allegiance to the flag of the United States.

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

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

Absent—Senator Lipscomb—1.

Absent with leave—Senator Kendziorski—1.

AMENDMENTS OFFERED

Senate amendment 1 to Assembly Bill 314 by Senator Johnson.

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Senate amendment 2 to Assembly Bill 314 by Senator Johnson.

Senate amendment 3 to Assembly Bill 314 by Senator Johnson.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 917

Relating to athletic tournament participation of public school pupils.

By Senator Lipscomb.

To committee on Education.

COMMITTEE REPORT

The committee on Natural Resources reports and recommends:

Assembly Joint Resolution 126

A joint resolution advising the congress of the United States that the Wisconsin legislature has no objection to the immediate inclusion of the lower St. Croix river in the national wild and scenic rivers system.

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 556

Relating to prohibiting the dumping of mercury into the waters of this state.

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 673

Relating to the definition of certain fish, use of nets for commercial fishing and eliminating licensing of certain hatcheries.

Rejection of senate amendment 1; Ayes, 5; Noes, 0 and concurrence; Ayes, 5; Noes, 0.

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Assembly Bill 679

Relating to unlawful cutting forest products.
Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 687

Relating to the definition of "boat."
Concurrence; Ayes, 4; Noes, 1.

Assembly Bill 689

Relating to boat registration numbering periods.
Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 813

Relating to hunting and possession of bear and sale of bear and squirrel.
Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 924

Relating to prohibiting the sale, processing and distribution of endangered species of fish and wildlife, granting rule-making authority and providing a penalty.
Concurrence; Ayes, 5; Noes, 0.

CLIFFORD W. KRUEGER,
Chairman.

PETITIONS AND COMMUNICATIONS

The State of Wisconsin
Department of State

February 22, 1972.

To the Honorable, the Senate

Gentlemen: I have the honor to transmit to you, pursuant to section 13.67 (2), a list of registered lobbyists for the period beginning February 8, 1972 and ending February 22, 1972.

Yours very truly,

ROBERT C. ZIMMERMAN,
Secretary of State.

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Name, Address and Occupation of Lobbyist—Name and Address of Employer—Subject of Legislation—Date of Employment.

Marvin C. Holz, Judge, Milwaukee County Courthouse, Milwaukee, Wisconsin—Board of Circuit Judges—Milwaukee County, Milwaukee County Courthouse, Milwaukee, Wisconsin—Wisconsin Judiciary—February 8, 1972.

William Dixon, Attorney, 735 North Water Street, Milwaukee, Wisconsin—First Wisconsin Bankshares Corp., 735 North Water Street, Milwaukee, Wisconsin—Banking—February 8, 1972.

John J. Schwoegler, Tavern Owner, 552 State Street, "The Pub", Madison, Wisconsin—Wisconsin Malt Beverage Association, 552 State Street, Madison, Wisconsin—Beer bars—February 8, 1972.

Lowell H. Dunlap, Exec. Dir.—Citizens for Educational Freedom, 714 N. 26th Street, Milwaukee, Wisconsin—Fair Education Committee, 714 North 26th Street, Milwaukee, Wisconsin—Aid to parents of non-public students—February 9, 1972.

Edward J. Heiser, Jr., Attorney, 2100 Marine Plaza, Milwaukee, Wisconsin—Wisconsin Consumer Finance Assn., Route #1, Box 131, Manitowoc, Wisconsin—Consumer Credit—February 15, 1972.

James A. Dupree, Regl. Mgr. Gov. Affairs, 1 East Wacker Drive, Chicago, Illinois—Ford Motor Co., The American Road, Dearborn, Michigan—Ford Motor Co. and its subsidiaries—February 15, 1972.

Lawrence Bugge, Attorney, 735 North Water Street, Milwaukee, Wisconsin—First Wisconsin Bankshares Corp., 735 North Water Street, Milwaukee, Wisconsin—Banking, credit and all legislation affecting banking—February 15, 1972.

William J. Hopper, Chairman and Speaker, 113 Walnut Street, Baraboo, Wisconsin—Wisconsin Malt Beverage Association, 113 Walnut Street, Baraboo, Wisconsin—Beer and liquor—February 15, 1972.

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Jack R. Dewitt, Attorney, 121 South Pinckney, Madison, Wisconsin—Midwest Medical Center, 5520 Medical Center, Madison, Wisconsin—Hospitals and medical clinics—February 16, 1972.

Robert D. Sundby, Attorney, 121 South Pinckney, Madison, Wisconsin—Midwest Medical Center, 5520 Medical Center, Madison, Wisconsin—Hospitals and medical clinics—February 16, 1972.

Jim Hill, Public Relations, Box 455, New Ulm, Minnesota—Associated Milk Producers, Inc., Box 455, New Ulm, Minnesota—Dairying, Dairy Products, Transportation and Cooperatives—February 10, 1972.

Russell A. Olson, Bassett, Wisconsin—Wisconsin Malt Beverage Association, 113 Walnut Street, Baraboo, Wisconsin—Wisconsin liquor license—February 21, 1972.

MESSAGE FROM THE ASSEMBLY

By Thomas P. Fox, chief clerk.

Mr. President:

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

Assembly Bill 1570

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 1570

An act to permit, for the 1972 spring elections only, candidates to file declarations of qualifications up to 5 days before the election.

By Representatives Wilger, Earl, Stalbaum and Kessler; co-sponsored by Senators McKenna and Swan.

Read first time and referred to committee on Judiciary.

MOTIONS

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature
Know you by these presents:

Whereas, The Wisconsin State Grange was first organized on October 22, 1872 at Portage, Wisconsin, and

Whereas, Colonel John Cochrane, Waupun, Dodge County, Wisconsin was elected the first State Master and attended the National Grange Session at Washington, D. C. held on December 10, 1872, and

Whereas, the first annual meeting of the Wisconsin State Grange was held at Ripon, Fond du Lac County, Wisconsin in 1873, and

Whereas, the Grange has from its inception been a strong Agricultural legislative force, leading the way in serving the cultural needs of various communities in the fields of legislation, education, recreation and inspiration; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator Hollander and Representative Schwefel, under Joint Rule 26, do hereby congratulate the Wisconsin State Grange upon achieving the 100th Anniversary of its birth date and does extend its most sincere best wishes for continued success and a most meaningful influence upon rural life in the State of Wisconsin for many years to come.

Read and adopted.

By request of Senator Soik, with unanimous consent, Senate Bill 892 was withdrawn from the joint Survey committee on Tax Exemptions and referred to joint committee on Finance.

By request of Senator Lorge, with unanimous consent, Senate Bill 892 was withdrawn from the joint committee on Finance and referred to committee on Commerce, Labor, Taxation, Insurance and Banking.

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By request of Senator Keppler, with unanimous consent, Assembly Joint Resolution 1 was made a special order of business at 2:00 P.M.

By request of Senator LaFave, with unanimous consent, senate substitute amendment 1 to Senate Bill 462 was withdrawn and returned to the author.

SELECT LIST #3

By request of Senator Hollander, with unanimous consent, Senate Bill 493 was withdrawn from the joint committee on Finance and considered for action at this time.

Senate Bill 493

Relating to state aid for salaries of certain home school coordinators for Indian students and appropriation.

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.

Senate Bill 493

Read a third time.

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

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Keppler, Knowles, Krueger, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—30.

Noes—Senator Knutson—1.

Absent or not voting—Senators Kendziorski and Lipscomb—2.

So the bill passed.

Ordered immediately messaged.

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Senator Keppler called the chair's attention to **Senate Bill 450** which was a special order of business.

Senate Bill 450

Relating to appointment of court commissioners in populous counties.

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 12; absent or not voting, 3; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Hollander, Johnson, Keppler, Knowles, Krueger, LaFave, Lorge, McKenna, Murphy, Roseleip, Schuele, Soik, Steinhilber and Swan—18.

Noes—Senators Dorman, Frank, Heinzen, Knutson, Lotto, Lourigan, Martin, Parys, Peloquin, Risser, Thompson and Whittow—12.

Absent or not voting—Senators Bidwell, Kendziorski and Lipscomb—3.

So the bill passed.

President pro tempore of the senate in the chair.

10:50 A.M.

Senator Busby asked unanimous consent that **Senate Bill 450** be ordered immediately messaged.

Senator Parys objected.

Senator Busby moved that **Senate Bill 450** be ordered immediately messaged.

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

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lourigan, McKenna, Murphy, Roseleip, Soik, Steinhilber and Swan—20.

Noes—Senators Dorman, Frank, Lipscomb, Lotto, Martin, Parys, Peloquin, Risser, Schuele, Thompson and Whittow—11.

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

Less than two-thirds having voted in the affirmative, the motion did not prevail.

Senator Keppler brought the chair's attention to **Senate Bill 611** which was a special order of business.

Senate Bill 611

Allocating building trust fund moneys for a well at the Grand Army Home at King.

Read a third time.

Senator Lorge raised the point of order that Senator Risser's remarks were such that they should be taken down on paper.

Senator Risser requested that his remarks be printed in the journal.

Senator Risser: I said the problem with the system Senator Keppler has set up of having preferred senator select lists is that many of the senators tend to vote for the bills on such select list as a result of the author rather than the content of the bill. This results in some senators voting for or against the bill in the expectation and desire that the author of such bill will treat his legislation accordingly.

In my opinion this is bad public policy and bad legislating.

Now, my arguments on this . . .

The question was: Shall **Senate Bill 611** pass?

The ayes and noes were required and the vote was: ayes, 13; noes, 18; absent or not voting, 2; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Hollander, Johnson, Keppler, Krueger, LaFave, Lorge, Lourigan, Parys and Soik—13.

Noes—Senators Dorman, Frank, Heinzen, Knowles, Knutson, Lipscomb, Lotto, McKenna, Martin, Murphy, Peloquin, Risser, Roseleip, Schuele, Steinhilber, Swan, Thompson and Whittow—18.

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

So the bill did not pass.

By request of Senator Hollander, with unanimous consent, **Senate Bill 906** was withdrawn from the joint committee on Finance and considered for action at this time.

Senate Bill 906

To re-enact law which expired January 28, 1972 authorizing the use of federal "Reed Act" funds for the construction of employment service buildings.

Read a second time.

Senate amendment 1 to **Senate Bill 906** offered by Senator Hollander.

Senate amendment 1 adopted.

Ordered to a third reading.

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

Senate Bill 906

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 2; as follows:

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

Noes—None.

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

So the bill passed.

Ordered immediately messaged.

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Assembly Bill 314

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

Read a second time.

Senator Johnson raised the point of order that the bill required a fiscal note.

The chair took the point of order under advisement.

Senate Bill 334

Relating to distribution of the 6 volume History of Wisconsin to public libraries and public schools and colleges and providing an appropriation.

Read a second time.

The question was: Rejection of senate amendment 1 to Senate Bill 334?

Senate amendment 1 rejected.

The question was: Adoption of senate amendment 2 to Senate Bill 334?

Senate amendment 2 adopted.

The question was: Adoption of senate amendment 3 to Senate Bill 334?

Senate amendment 3 adopted.

Ordered to a third reading.

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

Senate Bill 334

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, Keppler, Knowles, Knutson, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Pelouquin, Risser, Roseleip, Schuele, Soik, Thompson and Whitow—30.

Noes—Senators Steinhilber and Swan—2.

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Absent or not voting—Senator Kendziorski—1.

So the bill passed.

Upon motion of Senator Kepler the senate recessed until 1:30 P.M.

11:30 A.M.

RECESS

1:30 P.M.

The senate reconvened.

COMMITTEE REPORT

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

Assembly Bill 1109

Relating to credit restrictions on retailers' purchases of fermented malt beverages and intoxicating liquors.

Concurrence: Ayes, 3; Noes, 2.

GORDON W. ROSELEIP,
Chairman.

PETITIONS AND COMMUNICATIONS

Senate Petition 251

The "Sunshine Homemakers Club" of Dodgeville, Wisconsin desire to go on record concerning an amendment to be made to the Implied Consent Law.

By Senator Roseleip.

Read and referred to committee on Transportation.

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MESSAGE FROM THE ASSEMBLY

By Thomas P. Fox, chief clerk.

Mr. President:

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

Assembly Bill 1057

MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Bill 1057

Relating to enactment of the Wisconsin consumer act and repealing inconsistent laws thereto, granting rule-making authority and providing penalties.

By Representatives Sanasarian, Bultman, Ferrall, Nager, Barbee, Atkinson, Wahner, Brown, Dorff, Looby, Schneider, O'Malley, Kleczka, Korpela, Mielke, Berger, Kessler, Conta, Dueholm, Early, Earl, Swoboda, Vanderperren, Otte, Mittness, Roberts, Mohn and Tobiasz; co-sponsored by Senators McKenna and Frank, by request of Wisconsin Consumer League, Wisconsin State AFL-CIO, United Auto Workers, Region #10, Allied Council of Senior Citizens of Wisconsin, Milwaukee County Labor Council (AFL-CIO), Madison Federation of Labor (AFL-CIO), Greater Milwaukee Consumer League, Natl. Farmers Organization and Wisconsin Federation of Cooperatives.

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

SELECT LIST #3

Senator Risser asked unanimous consent that **Senate Bill 898** be withdrawn from committee on Judiciary and considered for action at this time.

Senator Knutson objected.

Senator Risser moved that **Senate Bill 898** be withdrawn from committee on Judiciary and considered for action at this time.

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Senator Johnson 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 Bidwell, Busby, Chilsen, Devitt, Dorman, Heinen, Johnson, Keppler, Knowles, Knutson, LaFave, Lotto, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele and Whittow—20.

Absent—Senators Cirilli, Frank, Hollander, Krueger, Lipscomb, Lorge, Murphy, Roseleip, Soik, Steinhilber, Swan and Thompson—12.

Absent with leave—Senator Kendziorski—1.

By request of Senator Martin, with unanimous consent, **Assembly Bill 1043** was withdrawn from committee on Agriculture and considered for action at this time.

Assembly Bill 1043

Relating to requiring approval of marketing orders by referendum of apple growers.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 1043

Read a third time and concurred in.

By request of Senator Lourigan, with unanimous consent, **Senate Bill 850** was placed at the foot of select list #3 following item number 33.

Senator Risser asked unanimous consent that the call be raised.

Senator Johnson objected.

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Senator Risser asked unanimous consent that **Senate Bill 898** be withdrawn from committee on Judiciary and referred to the calendar.

Senator Johnson objected.

Senator Schuele asked unanimous consent that the appointment of Charles H. Stoddard be withdrawn from committee on Natural Resources and considered for action at this time.

Senator Lorge objected.

Senator Risser moved that the appointment of Charles H. Stoddard be withdrawn from committee on Natural Resources and considered for action at this time.

Senator Keppler asked unanimous consent that the motion, to withdraw the appointment of Charles H. Stoddard from committee on Natural Resources and consider it for action, be made a special order of business at 2:00 P.M., Wednesday, February 23.

Senator Lorge objected.

By request of Senator Keppler, with unanimous consent, the appointment of Charles H. Stoddard was made a special order of business at 2:00 P.M., Wednesday, February 23.

By request of Senator Dorman, with unanimous consent, **Assembly Bill 875** was withdrawn from committee on Natural Resources and considered for action at this time.

Assembly Bill 875

Relating to governmental consideration of environmental impact.

Read a second time.

Ordered to a third reading.

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

Assembly Bill 875

Read a third time.

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

Absent—Senator Thompson—1.

Absent with leave—Senator Kendziorski—1.

Senator McKenna asked unanimous consent for a leave of absence for Senator Thompson.

Senator Knutson objected.

By request of Senator Whittow, with unanimous consent, Assembly Bill 996 was withdrawn from committee on Governmental and Veterans' Affairs and considered for action at this time.

Assembly Bill 996

Relating to publication of a summary of the proposed budget of a municipality.

Read a second time.

Senator Lorge moved nonconcurrence of Assembly Bill 996.

The ayes and noes were demanded and the vote was: ayes, 11; noes, 21; absent or not voting, 1; as follows:

Ayes—Senators Chilsen, Johnson, Keppler, Knutson, Krueger, LaFave, Lorge, Lourigan, Murphy, Steinhilber and Swan—11.

Noes—Senators Bidwell, Busby, Cirilli, Devitt, Dorman,

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Frank, Heinzen, Hollander, Knowles, Lipscomb, Lotto, McKenna, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Thompson and Whittow—21.

Absent or not voting—Senator Kendziorski—1.

The motion did not prevail.

Assembly Bill 996

Ordered to a third reading.

Senator Johnson asked unanimous consent that **Assembly Bill 996** be considered for final action at this time.

Senator Steinhilber objected.

Senator Whittow moved that **Assembly Bill 996** be considered for action at this time.

The ayes and noes were required and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Devitt, Dorman, Frank, Heinzen, Hollander, Knowles, Krueger, LaFave, Lipscomb, Lotto, McKenna, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Thompson and Whittow—22.

Noes—Senators Chilsen, Cirilli, Johnson, Keppler, Knutson, Lorge, Lourigan, Murphy, Steinhilber and Swan—10.

Absent or not voting—Senator Kendziorski—1.

More than two-thirds having voted with the majority **Assembly Bill 996** was considered for final action at this time.

Assembly Bill 996

Read a third time.

The ayes and noes were required and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Devitt, Dorman, Frank, Heinzen, Hollander, Knowles, Krueger, LaFave, Lipscomb, Lotto, McKenna, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Thompson and Whittow—22.

Noes—Senators Chilsen, Cirilli, Johnson, Keppler, Knutson, Lorge, Lourigan, Murphy, Steinhilber and Swan—10.

Absent or not voting—Senator Kendziorski—1.

So the bill was concurred in.

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President of the senate in the chair.

2:15 P.M.

Senator Whittow asked unanimous consent that Assembly Bill 996 be ordered immediately messaged.

Senator Chilsen objected.

Senator Whittow moved that Assembly Bill 996 be ordered immediately messaged.

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

Ayes—Senators Bidwell, Busby, Devitt, Dorman, Frank, Heinzen, Hollander, Knowles, Krueger, LaFave, Lipscomb, Lotto, McKenna, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Thompson and Whittow—23.

Noes—Senators Chilsen, Cirilli, Johnson, Keppler, Knutson, Lorge, Lourigan, Murphy and Swan—9.

Absent or not voting—Senator Kendziorski—1.

So the bill was ordered immediately messaged.

Senator Parys called the chair's attention to the fact that all members being present, the question was: Shall Senate Bill 898 be withdrawn from the committee on Judiciary and considered for action at this time?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Dorman, Frank, Keppler, Knowles, LaFave, Lipscomb, Lotto, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—21.

Noes—Senators Bidwell, Cirilli, Devitt, Heinzen, Hollander, Johnson, Knutson, Krueger, Lorge, Lourigan and Roseleip—11.

Absent or not voting—Senator Kendziorski—1.

The motion prevailed.

Senate Bill 898

Relating to indecent articles and family planning and providing penalties.

Read a second time.

Senator Parys raised the point of order that **Senate Bill 898** was identical to **Senate Bill 2** which had been indefinitely postponed and so pursuant to senate rule 34, paragraph 2 was not germane.

The chair ruled the point of order not well taken.

Senator Parys appealed the ruling of the chair.

The question was: Shall the ruling of the chair stand as the decision of the senate?

The ayes and noes were required and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Dorman, Frank, Hollander, Keppler, Knowles, Lipscomb, Lotto, McKenna, Martin, Peloquin, Risser, Schele, Soik, Steinhilber, Swan, Thompson and Whittow—20.

Noes—Senators Cirilli, Devitt, Heinzen, Johnson, Knutson, Krueger, LaFave, Lorge, Lourigan, Murphy, Parys and Roseleip—12.

Absent or not voting—Senator Kendziorski—1.

So the ruling of the chair was sustained.

Senate amendment 1 to **Senate Bill 898** offered by Senators Martin, McKenna and Soik.

Senator Parys moved that **Senate Bill 898** be laid on the table.

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Cirilli, Devitt, Frank, Heinzen, Johnson, Knutson, LaFave, Lorge, Lourigan, Parys, Roseleip and Whittow—13.

Noes—Senators Busby, Chilsen, Dorman, Hollander, Keppler, Knowles, Krueger, Lipscomb, Lotto, McKenna, Martin, Murphy, Peloquin, Risser, Schuele, Soik, Steinhilber, Swan and Thompson—19.

Absent or not voting—Senator Kendziorski—1.

The motion did not prevail.

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The question was: Adoption of senate amendment 1 to **Senate Bill 898?**

Senate amendment 1 adopted.

Ordered to a third reading.

Senator Parys moved reconsideration of the vote by which **Senate Bill 898** was ordered to a third reading.

The ayes and noes were demanded and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Johnson, Keppler, Knutson, Krueger, LaFave, Lipscomb, Lorge, Lourigan, McKenna, Parys, Peloquin, Roseleip, Schuele and Whittow—22.

Noes—Senators Hollander, Knowles, Lotto, Martin, Murphy, Risser, Soik, Steinhilber, Swan and Thompson—10.

Absent or not voting—Senator Kendziorski—1.

The motion prevailed.

Senator Parys moved indefinite postponement of **Senate Bill 898**.

The ayes and noes were demanded and the vote was: ayes, 14; noes, 18; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Cirilli, Devitt, Frank, Heinzen, Keppler, Knutson, Krueger, LaFave, Lipscomb, Lourigan, Parys, Roseleip and Whittow—14.

Noes—Senators Busby, Chilsen, Dorman, Hollander, Johnson, Knowles, Lorge, Lotto, McKenna, Martin, Murphy, Peloquin, Risser, Schuele, Soik, Steinhilber, Swan and Thompson—18.

Absent or not voting—Senator Kendziorski—1.

The motion did not prevail.

Senate amendment 2 to **Senate Bill 898** offered by Senator Parys.

Senator Soik moved rejection.

Senator Risser raised the point of order that senate amendment 2 was not germane.

The chair ruled the point of order well taken.

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Senator Parys appealed the ruling of the chair.

The question was: Shall the ruling of the chair stand as the decision of the senate?

The ayes and noes were required and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Dorman, Frank, Hollander, Keppler, Knowles, Lotto, McKenna, Martin, Pelouquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—19.

Noes—Senators Bidwell, Cirilli, Devitt, Heinzen, Johnson, Knutson, Krueger, LaFave, Lipscomb, Lorge, Lourigan, Murphy and Parys—13.

Absent or not voting—Senator Kendziorski—1.

So the ruling of the chair was sustained.

The question was: Shall the bill be ordered to a third reading?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Dorman, Hollander, Knowles, Lorge, Lotto, McKenna, Martin, Murphy, Pelouquin, Risser, Schuele, Soik, Steinhilber, Swan and Thompson—17.

Noes—Senators Bidwell, Cirilli, Devitt, Frank, Heinzen, Johnson, Keppler, Knutson, Krueger, LaFave, Lipscomb, Lourigan, Parys, Roseleip and Whittow—15.

Absent or not voting—Senator Kendziorski—1.

So the bill was ordered to a third reading.

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

Senator Parys objected.

Senator Risser moved that Senate Bill 898 be considered for final action at this time.

The ayes and noes were required and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Dorman, Hol-

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lander, Johnson, Keppler, Knowles, Lorge, Lotto, McKenna, Martin, Murphy, Peloquin, Risser, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—21.

Noes—Senators Bidwell, Devitt, Frank, Heinzen, Knutson, Krueger, LaFave, Lipscomb, Lourigan, Parys and Roseleip—11.

Absent or not voting—Senator Kendziorski—1.

Less than two-thirds having voted in the affirmative, the motion did not prevail.

Senator Swan called the chair's attention to **Assembly Joint Resolution 1** which was a special order of business.

Senator Lorge asked unanimous consent that **Assembly Bill 161** be made a special order of business immediately following action on **Assembly Joint Resolution 1**.

Senator Schuele objected.

Assembly Joint Resolution 1

Relating to taxation of agricultural land and undeveloped land (1st consideration).

Read a second time.

Senator Hollander in the chair.

3:35 P.M.

Senator Dorman in the chair.

3:45 P.M.

The question was: Reconsideration of the vote by which senate amendment 4 to **Assembly Joint Resolution 1** was adopted?

The ayes and noes were demanded and the vote was: ayes, 25; noes, 7; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Chilsen, Cirilli, Devitt, Dorman, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lipscomb, Lotto, McKenna, Martin, Murphy, Peloquin, Risser, Roseleip, Soik, Steinhilber, Swan and Thompson—25.

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Noes—Senators Busby, Frank, Lorge, Lourigan, Parys, Schuele and Whittow—7.

Absent or not voting—Senator Kendziorski—1.

The motion prevailed.

Senator Swan moved rejection of senate amendment 4 to **Assembly Joint Resolution 1**.

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

Ayes—Senators Bidwell, Chilsen, Cirilli, Devitt, Dorman, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, McKenna, Martin, Murphy, Peloquin, Risser, Roseleip, Soik, Steinhilber, Swan and Thompson—23.

Noes—Senators Busby, Frank, Lipscomb, Lorge, Lotto, Lourigan, Parys, Schuele and Whittow—9.

Absent or not voting—Senator Kendziorski—1.

The motion prevailed.

The question was: Reconsideration of the vote by which senate amendment 1 to **Assembly Joint Resolution 1** was rejected?

By request of Senator Schuele, with unanimous consent, his motion for reconsideration was withdrawn.

The question was: Adoption of senate amendment 5 to **Assembly Joint Resolution 17**

Senator Swan moved rejection.

The motion prevailed.

Ordered to a third reading.

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

Assembly Joint Resolution 1

Read a third time.

The ayes and noes were required and the vote was: ayes, 27; noes, 5; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Chilsen, Cirilli, Devitt, Dorman,

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Frank, Heinzen, Hollander, Johnson, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Swan and Thompson—27.

Noes—Senators Busby, Keppler, Lipscomb, Steinhilber and Whittow—5.

Absent or not voting—Senator Kendziorski—1.

So the joint resolution was concurred in.

Senator Knowles moved reconsideration of the vote by which Senate Bill 611 failed passage.

LEAVE OF ABSENCE

By request of Senator Martin, with unanimous consent, he was granted a leave of absence for 10 minutes.

By request of Senator Heinzen, with unanimous consent, he was granted a leave of absence for 15 minutes.

Senator Schuele asked unanimous consent that the motion for reconsideration lay over until 2:00 P.M., Wednesday, February 23.

Senator Lorge objected.

Senator Schuele brought the chair's attention to the fact that all members being present the question was: Concurrence in Assembly Bill 875?

Senator LaFave raised the point of order that Assembly Bill 875 required a fiscal note.

The chair ruled that Assembly Bill 875 required neither a local or state fiscal note and therefore the point of order was not well taken.

Senator Keppler in the chair.

4:25 P.M.

By request of Senator Murphy, with unanimous consent, Assembly Bill 875 was referred to joint committee on Finance.

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Senator Dorman moved that **Assembly Bill 875** be withdrawn from the joint committee on Finance and considered for action at this time.

President of the senate in the chair.

5:05 P.M.

By request of Senator Risser, with unanimous consent, the chief clerk was directed to obtain a fiscal note for **Assembly Bill 875**.

Senator Risser asked unanimous consent that **Assembly Bill 875** be made a special order of business at 9:00 A.M. Wednesday, February 23.

Senator Murphy objected.

By request of Senator Risser, with unanimous consent, **Assembly Bill 875** was made a special order of business at 9:00 A.M. Thursday, February 24.

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

Senator Busby called the chair's attention to **Senate Bill 880** which was a special order of business.

Senate Bill 880

Relating to retirement benefit changes in counties having a population of 500,000 or more.

Read a second time.

Senator Lipscomb asked unanimous consent that **Senate Bill 880** be referred to joint Survey committee on Retirement Systems.

Senator Busby objected.

The question was: Adoption of senate substitute amendment 1 to **Senate Bill 880**?

Senate substitute amendment 1 adopted.

By request of Senator Keppler, with unanimous consent, the senate returned to the fourth and ninth orders of business.

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BILLS INTRODUCED

Read first time and referred:

Senate Bill 918

Relating to remote facilities of banks.

By Senator Chilsen.

To committee on Commerce, Labor, Taxation, Insurance and Banking.

Senate Bill 919

Relating to creating an auctioneers examining board in the department of regulation and licensing, removing municipality regulation of auctioneers, granting rule-making authority, providing a penalty and making an appropriation.

By Senators Hollander and Bidwell; co-sponsored by Representatives Bradley, Bolle, Schwefel, R. M. Thompson and Giese.

To committee on Agriculture.

LEAVES OF ABSENCE

By request of Senator Knutson, with unanimous consent, he was granted a leave of absence until 10:00 A.M., Wednesday, February 23.

By request of Senator Knowles, with unanimous consent, he was granted a leave of absence for Tuesday, February 29.

MOTION UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature
Know you by these presents:

Whereas, Senator Wilfred Schuele was presented "The Outstanding Legislature Award" by the Golden Gloves Association of America on February 21, 1972 in recognition of his efforts on behalf of youth physical fitness through boxing; now, therefore,

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The Members of the Wisconsin Legislature, on the motion of the Entire Membership of the senate and Representatives Wahner, Jones and Jackson, under Joint Rule 26, extend to Senator Schuele their sincere congratulations in being selected the recipient of this distinguished award.

Read and adopted.

By request of Senator Knowles, with unanimous consent, his motion for reconsideration of Senate Bill 611 was made the first piece of legislation to be considered Wednesday, February 23.

By request of Senator Keppler, with unanimous consent, all actions were ordered immediately messaged.

By request of Senator Keppler, with unanimous consent, the senate adjourned in honor of Senator Swan's birthday.

Upon motion of Senator Keppler, the senate adjourned until 9:00 A.M., Wednesday, February 23.

6:00 P.M.

INTRODUCTION OF GUESTS

Senator Heinzen introduced Albian and Helen Thom. Mr. Thom was celebrating his 75th birthday, Amherst, Wisconsin.

Senator McKenna introduced 34 students of Washington High School, with instructor John Roso, Germantown, Wisconsin.

Senator LaFave introduced Mrs. Marcelene Sparks, Shawano, and Miss Rose Mahwahquaw, Menominee, Wisconsin.

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Senator Thompson introduced the 4th grade class of Sun Prairie Public School with teachers Mrs. Cheryl Van Dyke and Miss Dale Sterrenberg, Sun Prairie, Wisconsin.

CHIEF CLERK'S REPORT

The chief clerk records:

**Senate Bill 49,
Senate Bill 437,
Senate Bill 484,
Senate Bill 562 and
Senate Bill 721.**

Correctly enrolled and presented to the Governor on Tuesday, February 22, 1972.