

STATE OF WISCONSIN

Senate Journal

Eightieth Session

THURSDAY, March 9, 1972.

9:00 o'clock A.M.

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

Prayer was offered by Father Thomas J. McInnis of the Catholic Diocese of La Crosse; a graduate student at the University of Wisconsin.

LEAVE OF ABSENCE

By request of Senator Keppler, with unanimous consent, Senator Knowles was granted a leave of absence for the balance of the morning's session.

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

Senators Bidwell, Busby, Chilsen, Cirilli, Dorman, Frank, Heinzen, Hollander, Johnson, Keppler, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—29.

Absent—Senators Devitt and Lipscomb—2.

Absent with leave—Senators Kendziorski and Knowles—2.

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AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Joint Resolution 120** by Senators LaFave and Devitt.

Senate amendment 1 to **Senate Bill 899** by Senator Krueger.

Senate amendment 2 to **Senate Bill 899** by Senator Krueger.

Senate amendment 5 to **Senate Bill 929** by Senator Childsen.

Senate amendment 1 to **Senate Joint Resolution 119** by Senators Soik and Swan.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 58

Requesting the supreme court to commence work on reapportionment immediately.

Whereas, the senate and assembly will not be able to complete the work of reapportioning the state senate and assembly districts in time for the 1972 elections; and

Whereas, the supreme court has in the past shown its ability to reapportion in a fair and nonpartial manner when the senate and assembly have been at loggerheads over apportionment; now, therefore, be it

Resolved by the senate, That the senate requests the supreme court to commence work immediately on a reapportionment plan of the state senate and assembly.

By Senators Keppler, Hollander and Soik.

Read.

By request of Senator Keppler, with unanimous consent, **Senate Resolution 58** was laid on the table.

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Senate Joint Resolution 122

A joint resolution requesting the Supreme Court to commence work on reapportionment immediately.

By Senators Keppler, Hollander and Soik.

Read.

By request of Senator Keppler, with unanimous consent, **Senate Joint Resolution 122** was laid on the table.

COMMITTEE REPORTS

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

Assembly Bill 409

Relating to permitting a person who is not an elector of the town to hold the office of town assessor.

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

GORDON W. ROSELEIP,
Chairman.

The committee on Natural Resources reports and recommends:

Assembly Bill 176

Relating to holding tanks for ocean-going vessels docking in state harbors.

Nonconcurrence; Ayes, 3; Noes, 2.

Assembly Bill 629

Relating to air pollution and the department of natural resources, and making an appropriation.

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

CLIFFORD W. KRUEGER,
Chairman.

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PETITIONS AND COMMUNICATIONS

Senate Petition 281

A petition by 23 citizens of Wisconsin expressing disapproval of proposed pay increases for state officials and legislators.

By Senator Chilsen.

Read and referred to joint committee on Finance.

Senate Petition 282

A petition by 40 citizens of the state of Wisconsin requesting that should Assembly Bill 1477 alter the status of the Secretary of Veterans' Affairs that they would then oppose it.

By Senator Roseleip.

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

Senate Petition 283

A petition by 229 members of Local Union #7389 respectfully requesting the members of the State Legislature to vote for the passage of the consumer credit bill, substitute amendment 2 of Assembly Bill 1057.

By Senator Lorge.

Read and referred to joint committee on Finance.

Senate Petition 284

A petition by 5 residents of East Troy, Wisconsin, urging the Governor and the State Legislature to retain the existing Department of Veterans' Affairs.

By Senator Swan.

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

The State of Wisconsin
Department of Justice
Madison

March 8, 1972.

The Honorable, the Senate
State Capitol
Madison, Wisconsin 53702

Dear Senators:

By Senate Resolution 43, 1971, you have asked for my

opinion on the interpretation of the words, "in the public interest" as used in 1971, Assembly Bill 859. In 1919 when the Wisconsin legislature authorized the City of Kenosha to reclaim some submerged land at its Lake Michigan shoreline, the legislation restricted the use of the lands to: "For public park purposes." Assembly Bill 859 would delete that restriction, so that the lands can be used for any purpose as long as that purpose is now "in the public interest."

Section 990.01 (1), Wis. Stats., indicates that "all words and phrases shall be construed according to common and approved usage; but technical words and phrases and others that have a peculiar meaning in the law shall be construed according to such meaning." The common and approved usages of "public interest" involve something in which the public, the community at large, is involved and has an interest or right which may be affected. *State ex rel. Burgum v. North Dakota Hospital Service Association* (1960), 106 N.W. 2d 545. It does not mean anything so narrow as the interests of particular localities which may be affected by the matter in question. *State v. Crockett* (1922), 206 P. 816, 86 Okl. 124. "The term 'public interest' is a very broad and comprehensive one. It means different things in different connotations." *Gateway City Transfer Co. v. P.S.C.* (1948), 253 Wis. 397, 404, 34 N.W. 238.

Determinations of public interest are a legislative function and are not within the province of the judiciary. See *In re City of Beloit* (1968), 37 Wis. 2d 637, 155 N.W. 2d 633; *In re City of Fond du Lac* (1969), 42 Wis. 2d 323, 166 N.W. 2d 225; *Outagamie County v. Smith* (1968), 38 Wis. 2d 24, 155 N.W. 2d 639. If Assembly Bill 859 becomes law, it would in effect be a delegation of power of the legislature to the City of Kenosha. The latter would have to initially determine whether a proposed use was in the public interest. Because the use and enjoyment of submerged land at Lake Michigan's shoreline is involved, any determination of public interest, whether it be by the legislature or delegated body, is subject to limitations imposed by the public trust doctrine. Therefore, I would like to invite your attention to that doctrine.

In Wisconsin, navigable waters are said to be held in trust by the State for the public. *State v. Public Service Commission* (1957), 275 Wis. 112, 81 N.W. 2d 71. The

courts have sometimes ascribed the trust doctrine to the Northwest Ordinance of 1787. See *Attorney General v. City of Eau Claire* (1875), 37 Wis. 400, 446; and *Lundberg v. University of Notre Dame* (1938), 231 Wis. 187, 192, 282 N.W. 70, 73. The court has also attributed the public trust doctrine to the Wisconsin Constitution. See *Angelo v. Railroad Commission* (1928), 194 Wis. 543, 549, 551, 217 N.W. 570, 573, 574. Other times, the public trust doctrine has been ascribed to a combination of these sources. See *Muench v. Public Service Commission* (1952), 261 Wis. 492, 515, 53 N.W. 2d 514, 55 N.W. 2d, 40, 45. Title to the lake beds passed to the State as an incident of sovereignty. A grant invests in the grantee such rights of property in respect to the beds as are consistent with the public welfare. See Page, *Alienation of Beds of Public Lakes—The Trust Doctrine*, 1928 Wis. L. Rev. 39. Traditional public trust laws also embrace park lands, especially if they have been donated to the public for specific purposes, and as a minimum, it operates to require that such lands not be used for non-park purposes; however, it is uncommon to find decisions that constrain public authorities in the specific uses to which they may put park lands, unless the lands are reallocated to a very different use. See Sax, *The Public Trust Doctrine in Natural Resources Law: Effective Judicial Intervention*, 68 Mich. Rev. 556 (1970). Since the submerged land involved herein is subject to the public trust, its use must be in consonance with that trust.

Local public interests may interfere with the public trust in the same manner as private interests, for many aspects of local self-interest are as inconsistent with the broad public interest as are projects of private enterprises. See *People ex rel. San Francisco Bay Conservation and Development Commission v. Town of Emeryville* (1968), 69 Cal. 2d 533, 446 P. 2d 790. Any requirement that the facilities be public reduces the potential for overreaching by private interests and ensures the benefits will be relatively widely distributed among the citizenry. The Wisconsin Court will require that a showing of justification be made whenever resources which are generally available to the public without cost are, in any significant way, subordinated to a more limited set of private interests. See *Priewe v. Wisconsin State Land and Improvement Co.* (1896), 93 Wis. 534, 67 N.W. 918.

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In *State v. Public Service Commission, supra*, the City of Madison, among other things, wanted to fill a portion of a lake bed and use it for park purposes. The Wisconsin Supreme Court allowed the city to do this and said that the trust doctrine would prevent a grant for a purely private purpose, and "even for a public purpose, the State could not change an entire lake into a dry land nor alter it so as to destroy its character as a lake," nonetheless, "the trust doctrine does not prevent minor alterations of natural boundaries between water and land." (275 Wis. 118). Also, the purposes of the trust include all public uses of navigable waters. The advancement of one use over another may be promoted at relatively minor sacrifice; however, the weighing of the relative values must be in harmony with the public trust doctrine. See *Ashwaubenon v. Public Service Commission* (1963), 22 Wis. 2d 38, 125 N.W. 2d 647.

Since the term "in the public interest" has a broader significance than the term "for public park purposes," it is apparent that the intended potential use of the reclaimed lands is being expanded. I am of the opinion that this augmented usage must be in harmony with the public trust doctrine, a doctrine which requires that the submerged land be used for a public purpose or to the extent that it is granted to a private person for a private use, that use must be a part of a scheme or plan which will enhance the public rights in the use of this natural resource. See *Milwaukee v. State* (1927), 193 Wis. 423, 214 N.W. 820. Furthermore, the property subject to the trust must be maintained for particular types of uses, that is, the resource must be held available for certain traditional uses, uses which are related to the natural uses peculiar to the resource. Basically then, the trust property should be devoted to the fulfillment of the purposes of the trust, specifically, the service of the people. *Hayes v. Bowman* (1957), 91 S. 2d 795, 799.

Sincerely yours,

ROBERT W. WARREN,
Attorney General.

CAPTION: The common and approved usage of the words "in the public interest" involve something in which

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the public, the community at large, is involved and has an interest or right which may be affected. Because the use and enjoyment of submerged lands at Lake Michigan's shoreline are involved, any determination of public interest whether it be by the legislature or delegated body must be consistent with the public trust doctrine.

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 Condolence by Representatives T. G. Thompson, Molinaro, Sensenbrenner and Shabaz; co-sponsored by Senator Devitt for Joseph R. Kautzer, on his untimely passing.

Passed and asks concurrence in:

Assembly Bill 488,
Assembly Bill 1239,
Assembly Bill 1507 and
Assembly Bill 1610.

Concurred in:

Senate Bill 1,
Senate Bill 168,
Senate Bill 265,
Senate Bill 574,
Senate Bill 649,
Senate Bill 865,
Senate Bill 906,
Senate Bill 930,

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Senate amendments 1, 3, 4, 5, 6, 10, 11 and 15 to Assembly Bill 875,

Senate amendment 1 to Assembly Bill 1140 and
Senate amendment 1 to Assembly Bill 1348.

Amended and concurred in as amended:

Senate Bill 288 (assembly amendments 1, 2 and 3 adopted),

Senate Bill 377 (assembly amendment 1 adopted) and

Senate Bill 503 (assembly amendment 1 to assembly substitute amendment 1 adopted), (assembly amendment 2 to assembly substitute amendment 1 adopted), (assembly substitute amendment 1 adopted).

MESSAGE FROM THE ASSEMBLY CONSIDERED

Motion Under Joint Rule 26:

A joint certificate of Condolence by Representatives T. G. Thompson, Molinaro, Sensenbrenner and Shabaz; co-sponsored by Senator Devitt for Joseph R. Kautzler, on his untimely passing.

Read and adopted.

Assembly Bill 488

Relating to removing the gross weight limit on registration of vehicles used for transportation of certain dairy products.

By Representatives Tregoning, Boeckmann, Mato, T. G. Thompson and Vanderperren; co-sponsored by Senator Roseleip.

Read first time and referred to committee on Transportation.

Assembly Bill 1239

Relating to the establishment of an educational facility and youth conservation camp located at Poynette as an authorized building project, and making an appropriation.

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By Representative R. M. Thompson.

Read first time and referred to joint committee on Finance.

Assembly Bill 1507

Relating to administrative acts of the commissioner of savings and loan.

By committee on Insurance and Banking, by request of Commissioner of Savings and Loan and The Savings and Loan Review Board.

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

Assembly Bill 1610

An act to amend and revise chapter 20 of the statutes, and to make diverse other changes in the statutes relating to state finances and appropriations, constituting the budget review bill for the 1972 meeting of the 1971 legislature, and making appropriations.

By Representative Earl.

Read first time.

By request of Senator Keppler, with unanimous consent, **Assembly Bill 1610** was made a special order of business at 9:02 A.M.

Senate Bill 288

(Assembly amendments 1, 2, and 3 pending)

Read and referred to calendar.

Senate Bill 377

(Assembly amendment 1 pending)

Read and referred to calendar.

Senate Bill 503

(Assembly substitute amendment 1 pending)

Read.

By request of Senator Risser, with unanimous consent, **Senate Bill 503** was made a special order of business at 9:04 A.M.

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MOTIONS

MOTION UNDER JOINT RULE 26

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

Whereas, the North American Skat League, Inc., was organized 75 years ago in St. Louis, Missouri, for the promotion of the card game called Skat, the most scientific and intellectual card game ever invented by man; and

Whereas, headquarters of the league was in Milwaukee for 54 years, and in McFarland for the past 9 years; and

Whereas, the National Skat Tournament at Milwaukee has attracted as many as 3,000 players; and

Whereas, the North American Skat League will conduct its 75th Congress and Convention at Madison this spring; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senators Heinzen and Thompson and Representatives Jones and Tobiasz, under Joint Rule 26, offer hearty congratulations to the 75th Congress and Convention at Madison of the North American Skat League on this, its diamond jubilee.

Read and adopted.

By request of Senator Lorge, with unanimous consent, yesterday's prayer was spread on that journal.

By request of Senator Keppler, with unanimous consent, Consent List "K" was made a special order of business at 9:03 A.M.

CONSENT CALENDAR LIST "K"

**Senate Bill 920,
Harold Jordahl, appointment to the Natural Resources Board,
Senate Bill 282,
Senate Bill 462,**

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**Senate Bill 862,
Assembly Bill 1567,
Assembly Bill 665 and
Senate Bill 886.**

By request of Senator Frank, with unanimous consent, **Senate Bill 608** was considered for action at this time.

Senate Bill 608

Relating to the creation of a Department of Business Development through the transfer of business-related activities from the Departments of Agriculture, of Local Affairs and Development and of Natural Resources, and transferring appropriations.

Read a third time.

Senator Keppler 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, Dorman, Frank, Heinzen, Hollander, Johnson, Keppler, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Pelcquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—29.

Absent—Senators Devitt and Lipscomb—2.

Absent with leave—Senators Kendziorski and Knowles—2.

Upon motion of Senator Keppler, the senate recessed until 10:45 A.M.

The senate stood informed under call.

9:30 A.M.

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10:45 A.M.

The senate reconvened.

By request of Senator Keppler, with unanimous consent, Senate Bill 608 was laid aside and made a special order of business at 8:59 A.M.

By request of Senator Keppler, with unanimous consent, Senate Bill 503 was considered for action at this time.

Senate Bill 503

Relating to various changes in retirement fund laws and in retirement benefits for persons other than teachers and providing a penalty.

Read.

The question was: Concurrence in assembly substitute amendment 1?

Senate amendment 1 to assembly substitute amendment 1 to Senate Bill 503 offered by Senator Chilsen.

Senator LaFave moved rejection.

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

Ayes—Senators Busby, Cirilli, Devitt, Dorman, Frank, Johnson, Keppler, Krueger, LaFave, Lipscomb, Lorge, McKenna, Martin, Risser, Roseleip, Schuele, Soik and Thompson—18.

Noes—Senators Bidwell, Chilsen, Heinzen, Hollander, Knowles, Knutson, Lotto, Lourigan, Murphy, Parys, Pelouquin, Steinhilber, Swan and Whittow—14.

Absent or not voting—Senator Kendziorski—1.

The motion prevailed.

By request of Senator Risser with unanimous consent, the senate recessed until 12:05 P.M.

The senate stood informal under call.

11:25 A.M.

12:05 P.M.

The senate reconvened.

Senator Soik moved reconsideration of the vote by which senate amendment 1 to assembly substitute amendment 1 to Senate Bill 503 was rejected.

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

Ayes—Senators Bidwell, Chilsen, Heinzen, Hollander, Knowles, Knutson, Lotto, Lourigan, Murphy, Parys, Roseleip, Soik, Steinhilber, Swan and Whittow—15.

Noes—Senators Busby, Cirilli, Devitt, Dorman, Frank, Johnson, Keppler, Krueger, LaFave, Lipscomb, Lorge, McKenna, Martin, Peloquin, Risser, Schuele and Thompson—17.

Absent or not voting—Senator Kendziorski—1.

The motion did not prevail.

Senate amendment 2 to assembly substitute amendment 1 to Senate Bill 503 offered by Senator Lipscomb.

Senator LaFave moved rejection.

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

Ayes—Senators Busby, Cirilli, Devitt, Heinzen, Hollander, Johnson, Keppler, Krueger, LaFave, McKenna, Schuele and Thompson—12.

Noes—Senators Bidwell, Chilsen, Dorman, Frank, Knowles, Knutson, Lipscomb, Lorge, Lotto, Lourigan, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Soik, Steinhilber, Swan and Whittow—20.

Absent or not voting—Senator Kendziorski—1.

The motion did not prevail.

Senator Keppler asked unanimous consent that the call of the senate be raised.

Senator Whittow objected.

Senator Keppler moved that the senate recess until 2:15 P.M.

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

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Roseleip, Schuele and Swan—14.

Noes—Senators Bidwell, Frank, Heinzen, Hollander, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Soik, Steinhilber, Thompson and Whittow—18.

Absent or not voting—Senator Kendziorski—1.

The motion did not prevail.

By request of Senator Keppler, with unanimous consent, the call of the senate was raised.

Upon motion of Senator Keppler the senate recessed until 2:30 P.M.

12:55 P.M.

RECESS

2:30 P.M.

The senate reconvened.

By request of Senator Hollander, with unanimous consent, Assembly Bill 1239 was withdrawn from the joint committee on Finance and referred to committee on Natural Resources.

The question was: Adoption of senate amendment 2 to assembly substitute amendment 1 to Senate Bill 503?

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

Ayes—Senators Bidwell, Chilsen, D o r m a n , Frank, Knowles, Lipscomb, Lorge, Lotto, Lourigan, Murphy, Parys, Peloquin, Risser, Roseleip, Soik, Steinhilber, Swan and Whittow—18.

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Noes—Senators Busby, Cirilli, Devitt, Heinzen, Hollander, Johnson, Keppler, Knutson, Krueger, LaFave, McKenna, Martin, Schuele and Thompson—14.

Absent or not voting—Senator Kendziorski—1.

So the amendment was adopted.

Senate amendment 3 to assembly substitute amendment 1 to Senate Bill 503 offered by Senators Chilsen, Whittow, Bidwell, Parys and Soik.

Senator Devitt moved rejection.

Senator Frank in the chair.

3:25 P.M.

President of the senate in the chair.

3:30 P.M.

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

Ayes—Senators Bidwell, Busby, Cirilli, Devitt, Dorman, Frank, Johnson, Keppler, LaFave, Lipscomb, Lorge, McKenna, Martin, Peloquin, Risser, Roseleip, Schuele and Thompson—18.

Noes—Senators Chilsen, Heinzen, Hollander, Knowles, Knutson, Krueger, Lotto, Lourigan, Murphy, Parys, Soik, Steinhilber, Swan and Whittow—14.

Absent or not voting—Senator Kendziorski—1.

The motion prevailed.

The question was: Concurrence in assembly substitute amendment 1 to Senate Bill 503?

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

Ayes—Senators Busby, Cirilli, Devitt, Dorman, Frank, Hollander, Johnson, Keppler, LaFave, Lipscomb, Lorge, Lotto, McKenna, Martin, Parys, Peloquin, Risser, Roseleip, Schuele, Thompson and Whittow—21.

Noes—Senators Bidwell, Chilsen, Heinzen, Knowles,

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Knutson, Krueger, Lourigan, Murphy, Soik, Steinhilber and Swan—11.

Absent or not voting—Senator Kendziorski—1.

So the amendment was concurred in as amended.

Ordered immediately messaged.

By request of Senator Keppler, with unanimous consent, Senate Bill 886 was considered for action at this time.

Senate Bill 886

The question was: Concurrence in assembly amendment 10 to Senate Bill 886?

So the amendment was concurred in.

The question was: Concurrence in assembly amendment 14 to Senate Bill 886?

So the amendment was concurred in.

The question was: Concurrence in assembly amendment 18 to Senate Bill 886?

So the amendment was concurred in.

The question was: Concurrence in assembly amendment 20 to Senate Bill 886?

Senator Parys moved nonconcurrence.

The ayes and noes were demanded and the vote was: ayes, 8; noes, 24; absent or not voting, 1; as follows:

Ayes—Senators Knutson, Lipscomb, Parys, Peloquin, Soik, Steinhilber, Thompson and Whittow—8.

Noes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Keppler, Knowles, Krueger, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Risser, Roseleip, Schuele and Swan—24.

Absent or not voting—Senator Kendziorski—1.

The motion did not prevail.

Senator Soik moved a

CALL OF THE SENATE

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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, Keppler, Knowles, Knutson, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Swan and Whittow—29.

Absent—None.

Absent with leave—Senators Johnson, Kendziorski, Steinhilber and Thompson—4.

The question was: Concurrence in assembly amendment 20 to **Senate Bill 886?**

The ayes and noes were demanded and the vote was: ayes, 26; noes, 6; absent or not voting, 1; as follows:

Ayes—Senators Bidwell, Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Peloquin, Risser, Roseleip, Schuele and Thompson—26.

Noes—Senators Lipscomb, Parys, Soik, Steinhilber, Swan and Whittow—6.

Absent or not voting—Senator Kendziorski—1.

So the amendment was concurred in.

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

The question was: Concurrence in assembly amendment 22 to **Senate Bill 886?**

So the amendment was concurred in.

The question was: Concurrence in assembly amendment 24 to **Senate Bill 886?**

So the amendment was concurred in.

Ordered immediately messaged.

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By request of Senator Keppler, with unanimous consent, Senate Bill 288 was considered for action at this time.

Senate Bill 288

The question was: Concurrence in assembly amendment
1 to Senate Bill 288?

So the amendment was concurred in.

The question was: Concurrence in assembly amendment
2 to Senate Bill 288?

So the amendment was concurred in.

The question was: Concurrence in assembly amendment
3 to Senate Bill 288?

So the amendment was concurred in.

Ordered immediately messaged.

By request of Senator Keppler, with unanimous consent, Senate Bill 377 was considered for action at this time.

Senate Bill 377

The question was: Concurrence in assembly amendment
1 to Senate Bill 377?

So the amendment was concurred in.

Ordered immediately messaged.

Senate Bill 608

Read a third time.

Senator Johnson moved indefinite postponement.

The ayes and noes were demanded and the vote was: ayes, 11; noes, 19; absent or not voting, 3; as follows:

Ayes—Senators Bidwell, Cirilli, Johnson, Knutson, Krueger, Lotto, Murphy, Parys, Roseleip, Steinhilber and Swan—11.

Noes—Senators Busby, Chilsen, Devitt, Dorman, Frank, Heinzen, Hollander, Keppler, Knowles, Lipscomb, Lorge, Lourigan, McKenna, Martin, Risser, Schuele, Soik, Thompson and Whittow—19.

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Absent or not voting—Senators Kendziorski, LaFave and Peloquin—3.

The motion did not prevail.

The ayes and noes were required and the vote was: ayes, 22; noes, 8; absent or not voting, 3; as follows:

Ayes—Senators Busby, Chilsen, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Keppler, Knowles, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Parys, Risser, Schuele, Soik, Thompson and Whittow—22.

Noes—Senators Bidwell, Cirilli, Knutson, Krueger, Murphy, Roseleip, Steinhilber and Swan—8.

Absent or not voting—Senators Kendziorski, LaFave and Peloquin—3.

So the bill passed.

Ordered immediately messaged.

RULING OF THE CHAIR

On Tuesday, March 7, 1972, Senator McKenna raised a point of order regarding the germaneness of senate substitute amendment 2 to **Senate Bill 914**—the chair took the point of order under advisement.

The only difference in substitute amendment 2, offered by Senator Swan, and substitute amendment 1, rejected by the senate, appears on pages 9 and 10 of substitute amendment 2, lines 24 through 26 on page 9 and lines 1 through 11 on page 10.

The addition requires that:

“Referendum” means the referendum herein referred to, as applied to any city, village or town in which a housing project under this chapter is proposed to be located.

(a) No housing project may be commenced under this chapter until it has been submitted to a referendum.

(b) The question on the referendum shall be adopted by a majority of all members of the city, village or town board or council at a regular meeting, after publication at least one week previous in the official paper.

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(c) The notice of referendum shall include a general statement of the nature and location of the proposed housing project.

(d) Referendum elections under this subsection shall not be held more often than once a year.

Since these are the only changes made from substitute 1, and contains all the provisions of substitute 1 which were already rejected by the senate, and since the additional provision above mentioned can be incorporated by simple amendment the chair rules the substitute not germane.

MARTIN J. SCHREIBER,
Lieutenant Governor.

Senate Bill 914

Relating to creation of a housing finance authority, granting rule-making power and making an appropriation.

Read a second time.

The question was: Adoption of senate amendment 5 to **Senate Bill 914?**

Senator Risser moved rejection.

Senator Hollander in the chair.

4:35 P.M.

President of the senate in the chair.

4:50 P.M.

Senator Swan moved a

CALL OF THE SENATE

On Senate Bill 914.

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,

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Frank, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Murphy, Parys, Peloquin, Risser, Roseleip, Schuele, Soik, Steinhilber, Swan, Thompson and Whittow—32.

Absent—None.

Absent with leave—Senator Kendziorski—1.

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

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Keppler, Knowles, Krueger, LaFave, Lipscomb, Lorge, Lotto, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Soik, Thompson and Whittow—25.

Noes—Senators Bidwell, Knutson, Lourigan, Murphy, Roseleip, Steinhilber and Swan—7.

Absent or not voting—Senator Kendziorski—1.

The motion prevailed.

The question was: Adoption of senate amendment 6 to **Senate Bill 914?**

So the amendment was adopted.

Senate amendment 7 to **Senate Bill 914** offered by Senator Cirilli.

So the amendment was adopted.

The question was: Adoption of senate amendment 2 to senate amendment 1 to **Senate Bill 914?**

Senator Risser moved rejection.

The ayes and noes were demanded and the vote was: ayes, 24; noes, 8; absent or not voting, 1; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Krueger, LaFave, Lipscomb, Lorge, Lotto, Lourigan, McKenna, Martin, Parys, Peloquin, Risser, Schuele, Soik, Thompson and Whittow—24.

Noes—Senators Bidwell, Keppler, Knowles, Knutson, Murphy, Roseleip, Steinhilber and Swan—8.

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Absent or not voting—Senator Kendziorski—1.

The motion prevailed.

Senator Bidwell in the chair.

5:25 P.M.

President of the senate in the chair.

5:35 P.M.

Senator Swan asked unanimous consent that Senate Bill 914 be laid aside.

Senator Cirilli objected.

Senator Swan raised the point of order that the budget review bill, Senate Bill 936 should be before the senate at this time.

The chair ruled the point of order not well taken pursuant to Senate Rule 18 (2).

Senator Swan appealed the ruling of the chair.

Upon motion of Senator Keppler, the senate recessed until 5:55 P.M.

The senate stood informal under call.

5:40 P.M.

5:55 P.M.

The senate reconvened.

Senator Swan withdrew his appeal of the ruling of the chair.

President pro tempore of the senate in the chair.

6:15 P.M.

President of the senate in the chair.

6:30 P.M.

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Senator Keppler moved that the senate adjourn until 9:00 A.M., Friday, March 10.

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

Ayes—Senators Bidwell, Busby, Johnson, Knowles, Knutson, Lorge, Murphy, Parys, Roseleip, Soik, Steinhilber and Swan—12.

Noes—Senators Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Keppler, Krueger, LaFave, Lipscomb, Lotto, Lourigan, McKenna, Martin, Peloquin, Risser, Schuele and Whittow—19.

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

The motion did not prevail.

Senator Chilsen moved the current question.

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

Ayes—Senators Bidwell, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Knowles, Krueger, LaFave, Lorge, Lotto, McKenna, Martin, Parys and Schuele—18.

Noes—Senators Busby, Keppler, Knutson, Lipscomb, Lourigan, Murphy, Peloquin, Risser, Roseleip, Soik, Steinhilber, Swan and Whittow—13.

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

The motion prevailed.

The question was: Shall Senate Bill 914 be ordered to a third reading?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 7; absent or not voting, 1; paired, 2; as follows:

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Johnson, Keppler, Knowles, Krueger, LaFave, Lipscomb, Lorge, Lotto, McKenna, Martin, Peloquin, Risser, Schuele, Soik and Whittow—23.

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Noes—Senators Bidwell, Knutson, Lourigan, Parys, Roseleip, Steinhilber and Swan—7.

Absent or not voting—Senator Kendziorski—1.

Paired—Senator Thompson for ordering to a third reading, Senator Murphy against ordering to a third reading—2.

So the bill was ordered to a third reading.

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

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

Senator Murphy objected.

Senator LaFave moved that the bill be considered for final action at this time.

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, Dorman, Frank, Heinzen, Johnson, Keppler, Knowles, Krueger, LaFave, Lipscomb, Lotto, McKenna, Martin, Peloquin, Risser, Schuele and Whittow—20.

Noes—Senators Bidwell, Hollander, Knutson, Lorge, Lourigan, Murphy, Parys, Roseleip, Soik, Steinhilber and Swan—11.

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

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

Senator Johnson moved that the senate adjourn until 10:00 A.M., Friday, March 10.

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.

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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, Schuele, Soik, Steinhilber, Swan and Whittow—30.

Absent—Senator Roseleip—1.

Absent with leave—Senators Kendziorski and Thompson—2.

Senator Risser asked unanimous consent that Senator Roseleip be granted a leave of absence.

Senator Swan objected.

Senator Risser moved that Senator Roseleip be granted a leave of absence for the balance of the day's session.

LEAVE OF ABSENCE

By request of Senator Lorge, with unanimous consent, Senator Roseleip was granted a leave of absence for the balance of the day's session.

The question was: Shall the senate adjourn until 10:00 A.M. Friday, March 10?

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

Ayes—Senators Bidwell, Busby, Johnson, Knowles, Knutson, Lorge, Lourigan, Murphy, Parys, Soik, Steinhilber and Swan—12.

Noes—Senators Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Hollander, Keppler, Krueger, LaFave, Lipscomb, Lotto, McKenna, Martin, Peloquin, Risser, Schuele and Whittow—18.

Absent or not voting—Senators Kendziorski, Roseleip and Thompson—3.

The motion did not prevail.

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Senator Risser moved that Senate Bill 914 be considered for final action at this time.

Senator Swan 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—None.

Absent with leave—Senators Kendziorski and Thompson—2.

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

Ayes—Senators Busby, Chilsen, Cirilli, Devitt, Dorman, Frank, Heinzen, Keppler, Knowles, Krueger, LaFave, Lipscomb, Lotto, McKenna, Martin, Peloquin, Risser, Schuele and Whittow—19.

Noes—Senators Bidwell, Hollander, Johnson, Knutson, Lorge, Lourigan, Murphy, Parys, Roseleip, Soik, Steinhilber and Swan—12.

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

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

AMENDMENTS OFFERED

Senate substitute amendment 1 to Senate Bill 526 by Senators LaFave, Dorman, McKenna and Hollander.

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Senate amendment 5 to Assembly Bill 707 by Senator Devitt.

Upon motion of Senator Keppler, the senate adjourned until 10:00 A.M., Friday, March 10.

7:05 P.M.

INTRODUCTION OF GUESTS

Senator Thompson introduced the 7th grade of McFarland School with Mr. Wickmann, Mr. Stack, Mrs. Jamieson, Mrs. Wallace and Mrs. Scharf, McFarland, Wisconsin.

Senator Bidwell introduced Elpidio Tomas Ayala, Chino, California.

Senator Knowles introduced 48 7th and 8th grade and high school students from Pierce and St. Croix counties sponsored by the Farmers Union, Bob Betzel, president, Wisconsin.

Senator Keppler introduced 70 students of Cedar Grove, School, with teachers Robert Holton and Roger Sondée, Cedar Grove and Begium, Wisconsin.

Senators LaFave and Lotto introduced Ervin, Marion and Patricia Ripp, Green Bay, Wisconsin.

Senator Bidwell introduced 37 7th grade students of Fall River School with teacher Mrs. Helen Butterworth, Fall River, Wisconsin.

Senator Keppler introduced Mr. and Mrs. Samuel Klauser, parents of attorney John Klauser, Waukesha, Wisconsin.

Senator LaFave introduced Bernadine Ann Roesli and Gary R. LaFave, Madison, Wisconsin.