

STATE OF WISCONSIN

Senate Journal

Seventy-Seventh Session

THURSDAY, March 4, 1965.

9:30 o'clock A.M.

The senate met.

The president in the chair.

Prayer was offered by the Reverend Leigh Shields.

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

Senators Benson, Bice, Busby, Carr, Christopherson, Dempsey, Draheim, Hansen, Hollander, Kendziorski, Keppler, Knowles, Krueger, LaFave, Leverich, Lorge, Lourigan, McParland, Meunier, Panzer, Rasmusen, Risser, Schreiber, Schuele, Smith, Sussman, Thompson, Warren and Zaborski—29.

Absent—Senator Leonard—1.

Absent with leave—Senators Miller and Roseleip—2.

Upon motion of Senator Knowles, with unanimous consent, the senate recessed until 9:55 o'clock this morning.

RECESS

9:55 o'clock A.M.

The senate was called to order by the president.

Amendment No. 5, S. to Senate Bill 37 was offered by Senators Rasmusen, Dempsey, Bice, Thompson and Zaborski.

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Substitute amendment No. 1, S. to Senate Bill 94 was offered by Senator Panzer.

BILLS INTRODUCED

Senate Bill 226

Relating to interstate highway costs.

By Senators Kendziorski and McParland, by request of Milwaukee County.

Read first time.

To committee on Highways.

Senate Bill 227

Relating to public debt amortization funds in cities of the 1st class.

By Senators Zaborski, Schuele and Schreiber; co-sponsored by Assemblymen Ceci and Mertz.

Read first time.

To committee on Governmental and Veterans' Affairs.

Senate Bill 228

Relating to out-of-state travel for the blind.

By Senator Carr.

Read first time.

To committee on Public Welfare.

Senate Bill 229

Relating to the collection and purchase of instructional materials.

By Senator Carr.

Read first time.

To committee on Education.

Senate Bill 230

Relating to exemption from civil liability for furnishing safety engineering or inspection services.

By Senators Smith, Kepppler and Warren.

Read first time.

To committee on Judiciary.

Senate Bill 231

Relating to the fee upon appeal to board of review.

By Senator Zaborski, by request of City of Milwaukee.

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Read first time.

To committee on Judiciary.

Senate Bill 232

Relating to private fish hatcheries.

By Senators LaFave, Leverich, Krueger and Keppler; co-sponsored by Assemblyman Alfonsi.

Read first time.

To committee on Conservation.

Upon motion of Senator Knowles, and in accordance with Joint Rule 26, the Legislative Reference Bureau was directed to prepare a suitable joint certificate of Commendation to the members of the committee of Twenty-Five whose names appear in the following list for their unstinting efforts to provide this legislature with much needed information for the improvement of the laws of this state.

Frederick N. Trowbridge of Green Bay, Walter Burke of Milwaukee, Roger A. Baird of Neenah, Carl J. Barbee of Kenosha, John Best of Milwaukee, John Bosshard of Bangor, Sam Casey of Port Edwards, Francis J. Conway of Thorp, Richard D. Cudahy of Cudahy, Tom Fitzgerald of New London, Edgar J. Fransway of Milwaukee, William Froehlich, Jr., of Sayner, Stanley Gregory of Milwaukee, Earl W. Hammill of Racine, Robert Harding of New Richmond, Donald James of Pardeeville, Mrs. Henry Lardy of Madison, Warren Leary of Rice Lake, Clarence H. Lichtfeldt of Thiensville, Thomas D. Lyons of Milwaukee, Richard Metcalf of Glen Haven, John F. Murry of River Falls, W. E. Schneider of Oshrkosh, Abe Swed of Milwaukee and Mrs. John Varda of Madison.

The senate's action was ordered immediately messaged to the assembly with request for the assembly's concurrence therein.

Upon motion of Senator Sussman, and in accordance with Joint Rule 26, the Legislative Reference Bureau was directed to prepare a suitable joint certificate of Congratulations to the Lee School of 921 W. Meinecke Avenue, Milwaukee, Wisconsin, a 1962 recipient of the Central-Milwaukee Safety Award and on the Honor Roll of the National Safety Council for the past 8 years, for being chosen from among 235 competing public and private grade schools as the winner of

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the coveted Citywide Traveling Trophy for having an outstanding safety program.

The senate's action was ordered immediately messaged to the assembly with request for assembly's concurrence therein.

Senate Bill 217

Senator Hollander asked unanimous consent that the bill be taken from the calendar of Friday, March 5th and considered at this time.

Senator Risser objected.

Senator Rasmusen moved that the rules be suspended and that the bill be taken from the calendar of Friday, March 5th and considered at this time.

Senator Risser rose to a point of order that under Senate Rule 35 (1) the bill was not printed and couldn't be properly considered at this time.

The president held the point of order by Senator Risser not well taken as the motion by Senator Rasmusen was a proper motion to be put at this time.

LEAVE OF ABSENCE

Senator Leonard was granted a leave of absence for today's session, upon motion of Senator Knowles, with unanimous consent.

Senate Bill 217

The question was: Shall the rules be suspended and the bill be taken from the calendar of Friday, March 5th and considered at this time.

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:

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Senators Benson, Bice, Busby, Carr, Draheim, Hansen, Hollander, Kendziorski, Keppler, Knowles, Krueger, LaFave, Leverich, Lorge, Lourigan, McParland, Meunier, Panzer, Rasmusen, Risser, Schreiber, Schuele, Smith, Sussman, Thompson, Warren and Zaborski—27.

Absent—Senators Christopherson and Dempsey—2.

Absent with leave—Senators Leonard, Miller and Roseleip—3.

MESSAGE FROM THE ASSEMBLY

By James P. Buckley, chief clerk thereof.

Mr. President:

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

Assembly Bill 223 and

Concurred in:

Senate Joint Resolution 15 and has

Adopted and asks concurrence in

The action by which the assembly, upon motion of Assemblymen Doughty and Wackett, pursuant to Joint Rule 26, directing the Legislative Reference Bureau to prepare a suitable joint certificate of Congratulations to Aunt Nellie's Foods, Incorporated on the occasion of their merger with Beatrice Foods Company, thereby strengthening the economy of the state of Wisconsin.

ASSEMBLY MESSAGE CONSIDERED

Assembly Bill 223

Read first time.

To committee on Judiciary.

The assembly action under Joint Rule 26 pursuant to motion by Assemblymen Doughty and Wackett was concurred in, upon motion of Senator Panzer.

The senate's action was ordered immediately messaged to the assembly.

Upon motion of Senator Knowles, with unanimous consent, the senate returned to the 7th order of business.

COMMITTEE REPORT

The committee on Public Welfare reports and recommends:

Senate Bill —

Relating to the diagnostic center.

Introduction; Ayes, 5; Noes, 0.

Senate Bill —

Relating to certification by the state department of public welfare that an appropriate vacancy exists for a mentally deficient person.

Introduction; Ayes, 5; Noes, 0.

Senate Bill —

Relating to discharge of patients from county mental hospitals.

Introduction; Ayes, 5; Noes, 0.

Senate Bill —

Relating to the conditional release of patients and their return on escape, conditional release, parole, or temporary discharge.

Introduction; Ayes, 5; Noes, 0.

Senate Bill —

Relating to family boarding home placement of persons committed under s. 957.11 or 957.13 and making an appropriation.

Introduction; Ayes, 5; Noes, 0.

Senate Bill —

Relating to assaults by prisoners.

Introduction; Ayes, 5; Noes, 0.

Senate Bill —

Relating to the amount of liability for patients at the state colonies and training schools.

Introduction; Ayes, 5; Noes, 0.

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Senate Bill —

Relating to commitment of defendants for mental observation, and for detention and treatment until able to stand trial on criminal charges.

Introduction; Ayes, 5; Noes, 0.

Senate Bill —

To permit the court to set the fees for examining physicians.

Introduction; Ayes, 5; Noes, 0.

Senate Bill —

An act authorizing the state department of public welfare to sell to the conservation department portions of state-owned lands connected to the McNaughton state camp.

Introduction; Ayes, 5; Noes, 0.

Senate Bill —

Enabling student nurses to be eligible for student loans.

Introduction; Ayes, 5; Noes, 0.

Senate Bill —

Relating to an out-of-state confinement amendment to the interstate compact on juveniles.

Introduction; Ayes, 5; Noes, 0.

Senate Bill —

Relating to creating a Wisconsin correctional reception and treatment center.

Introduction; Ayes, 5; Noes, 0.

Senate Bill —

An act authorizing and directing the state department of public welfare, with approval of the governor, to convey to the town of Allouez certain state owned lands in the town of Allouez, Brown county, Wisconsin, therein described, to said town of Allouez for street or highway purposes.

Introduction; Ayes, 5; Noes, 0.

CHESTER E. DEMPSEY,
Chairman.

BILLS INTRODUCED

Senate Bill 233

Relating to the diagnostic center.

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By committee on Public Welfare, by request of State Department of Public Welfare.

Read first time.

To committee on Public Welfare.

Senate Bill 234

Relating to certification by the state department of public welfare that an appropriate vacancy exists for a mentally deficient person.

By committee on Public Welfare, by request of State Department of Public Welfare.

Read first time.

To committee on Public Welfare.

Senate Bill 235

Relating to discharge of patients from county mental hospitals.

By committee on Public Welfare, by request of State Department of Public Welfare.

Read first time.

To committee on Public Welfare.

Senate Bill 236

Relating to the conditional release of patients and their return on escape, conditional release, parole, or temporary discharge.

By committee on Public Welfare, by request of State Department of Public Welfare.

Read first time.

To committee on Public Welfare.

Senate Bill 237

Relating to family boarding home placement of persons committed under s. 957.11 or 957.13 and making an appropriation.

By committee on Public Welfare, by request of State Department of Public Welfare.

Read first time.

The bill was referred to the committee on Judiciary, upon motion of Senator Warren, with unanimous consent.

Senate Bill 238

Relating to assaults by prisoners.

By committee on Public Welfare, by request of State Department of Public Welfare.

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Read first time.

The bill was referred to the committee on Judiciary, upon motion of Senator Warren, with unanimous consent.

Senate Bill 239

Relating to the amount of liability for patients at the state colonies and training schools.

By committee on Public Welfare, by request of State Department of Public Welfare.

Read first time.

To committee on Public Welfare.

Senate Bill 240

Relating to commitment of defendants for mental observation, and for detention and treatment until able to stand trial on criminal charges.

By committee on Public Welfare, by request of State Department of Public Welfare.

Read first time.

To committee on Judiciary.

Senate Bill 241

To permit the court to set the fees for examining physicians.

By committee on Public Welfare, by request of State Department of Public Welfare.

Read first time.

To committee on Judiciary.

Senate Bill 242

Authorizing the state department of public welfare to sell to the conservation department portions of state-owned lands connected to the McNaughton state camp.

By committee on Public Welfare, by request of State Department of Public Welfare.

Read first time.

To committee on Conservation.

Senate Bill 243

Enabling student nurses to be eligible for student loans.

By committee on Public Welfare, by request of State Department of Public Welfare.

Read first time.

To committee on Education.

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Senate Bill 244

Relating to an out-of-state confinement amendment to the interstate compact on juveniles.

By committee on Public Welfare, by request of State Department of Public Welfare.

Read first time.

To committee on Public Welfare.

Senate Bill 245

Relating to creating a Wisconsin correctional reception and treatment center.

By committee on Public Welfare, by request of State Department of Public Welfare.

Read first time.

To committee on Public Welfare.

Senate Bill 246

An act authorizing and directing the state department of public welfare, with approval of the governor, to convey to the town of Allouez certain state owned lands in the town of Allouez, Brown county, Wisconsin, therein described, to said town of Allouez for street or highway purposes.

By committee on Public Welfare, by request of State Department of Public Welfare.

Read first time.

The bill was referred to the joint committee on Finance, upon motion of Senator Hollander, with unanimous consent.

**CALENDAR OF TUESDAY, MARCH 2nd
CONSIDERATION OF RESOLUTIONS**

Senate Resolution 15

Relating to the creation of a Senate Committee on Finance.

**RULING BY THE CHAIR ON POINTS OF ORDER
RELATIVE TO NOTICE OF AMENDING
SENATE RULE 20 AND CONSIDERA-
TION OF TIME OF NOTICE WHILE,
UNDER ADVISEMENT ON
POINT OF ORDER**

On February 18 Senator Knowles stated for the Journal that it was his intent that Senate Rule 20(1) would be

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amended to create a Senate committee on Finance as a standing committee of the senate.

On February 25 Senator Benson raised a point of order that under Senate Rule 89 the notice of one week for amending a senate rule should contain the full amendment as proposed at the time such notice is given.

The President calls attention to the precedent under previous rule 95 concerning rescinding or amending the rules. On February 19, 1913, President Thomas Morris ruled that "under the practice of the senate the offering of the resolution is in itself a giving of notice of the motion contained in the resolution." His ruling did not make clear whether offering the resolution was the exclusive way for giving the required notice. The President now rules that the purpose of a required notice is to give members of the Senate the opportunity to study and consider the proposed rules change and that this purpose can only be fully accomplished when the text of the amendment is given as notice of a proposed rules change.

Therefore Senator Benson's point of order is well taken.

PATRICK J. LUCEY,
President of the Senate.

On February 25, Senator Kendziorski rose to a point of order as to whether or not the time the chair had a point of order under advisement would be included in the seven days of notice for amending the rules under Rule 89.

The President finds no precedent which is applicable to this point of order.

The President believes, however, that the purpose of a notice period is to permit the members of the Senate to fully consider the proposed rules changes. The information necessary to permit full consideration of a proposed rules change may at times depend upon the chair's ruling on a point of order. Permitting the notice period to run while the chair has the question under advisement would be contrary to the purpose of the notice period in Rule 89, namely to allow members of the senate a full seven days in which to study and consider the proposed rules change.

Under Rule 8 the President is entitled to hold a point of order under advisement for five days. If a notice period were less than five days and were permitted to run while the

President has a point of order under advisement, the Senate would be faced with the peculiar situation of having the notice period terminate before the President has ruled on the point of order. This situation would create a conflict between a notice period declared by the rules and the President's power to take points under advisement for five days under Rule 8. Sound interpretation of the rules should avoid precedents which lead to this situation.

I, therefore, rule that the seven days of notice does not run while the President has the point of order under advise-

PATRICK J. LUCEY,
President of the Senate.

Senate Resolution 15

The resolution was laid over until Thursday, March 11 pursuant to the ruling by the chair.

Senate Resolution 16

A resolution requesting an opinion of the attorney general concerning the present status, as members of the University of Wisconsin board of regents.

Was read.

The resolution was adopted.

Upon motion of Senator Knowles, with unanimous consent, further proceedings under the call presently in effect were dispensed with.

Senate Bill 217

The question was: Shall the rules be suspended and the bill be taken from the calendar of Friday, March 5th and considered at this time?

The ayes and noes were required and the vote was :ayes, 14; noes, 14; absent or not voting, 4; as follows:

Ayes—Senators Carr, Draheim, Hansen, Hollander, Knowles, Krueger, Leverich, Lorge, Meunier, Panzer, Rasmussen, Smith, Thompson and Warren—14.

Noes—Senators Benson, Busby, Christopherson, Dempsey, Kendziorski, Keppler, LaFave, Lourigan, McParland, Risser, Schreiber, Schuele, Sussman and Zaborski—14.

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Absent or not voting—Senators Bice, Leonard, Miller and Roseleip—4.

So the question was decided in the negative.

CALENDAR OF TUESDAY, MARCH 2nd, CONTINUED CONSIDERATION OF RESOLUTIONS

Senate Joint Resolution 7

A joint resolution establishing a joint legislative study committee to hold hearings to determine whether a time limitation should be set on the length of political campaigns.

Was read.

The joint resolution was referred to the joint committee on Finance, upon motion of Senator Draheim, with unanimous consent.

Senate Joint Resolution 8

A joint resolution memorializing the Congress of the United States to study methods to eliminate the electoral college as the means of electing the President and Vice President of the United States and to provide a more just and equitable electoral system.

Was read.

The joint resolution was adopted.

Senate Joint Resolution 9

A joint resolution memorializing the Congress of the United States to amend the Kerr-Mills Act, Public Law 86-788.

Was read.

The joint resolution was adopted.

Senate Joint Resolution 30

A joint resolution relating to an advisory referendum on raising the legal age for the consumption of fermented malt beverages.

Was read.

The joint resolution was referred to the committee on Public Welfare, upon motion of Senator Dempsey, with unanimous consent.

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Senate Joint Resolution 33

A joint resolution relating to an advisory referendum on revisions in the children's code.

Was read.

The joint resolution was referred to the committee on Judiciary, upon motion of Senator Sussman, with unanimous consent.

Senate Joint Resolution 39

A joint resolution memorializing the U. S. Postmaster General to provide a unified postal district and post office for the village of Combined Locks.

Was read.

The joint resolution was adopted.

Ordered immediately messaged to the assembly.

SECOND READING AND AMENDMENT OF SENATE BILLS AND RESOLUTIONS

Senate Joint Resolution 19

A joint resolution to amend article VIII, section 1 of the constitution, to permit classification of agricultural property in cities and villages for purposes of taxation. (2nd consideration.)

Was read a second time.

The joint resolution was referred to the joint Survey committee on Tax Exemptions, upon motion of Senator Knowles, with unanimous consent.

Senate Joint Resolution 20

A joint resolution to amend article XI, section 3 of the constitution, to extend the pay-off time for municipal debts from 20 years to 30 years. (2nd consideration.)

Was read a second time.

The joint resolution was ordered engrossed and read a third time.

The vote by which the joint resolution was ordered engrossed and read a third time was reconsidered, upon motion of Senator Risser.

The joint resolution was laid over until Tuesday, March 9th, upon motion of Senator Risser, with unanimous consent.

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The president pro tempore in the chair.

Senate Bill 8

Relating to duties of the joint legislative council.

Was read a second time.

The bill was ordered engrossed and read a third time.

Upon motion of Senator Knowles, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 8

Was read a third time and passed.

Senate Bill 14

Relating to transportation of vocational and adult education students.

Was read a second time.

Amendment No. 1, S. was adopted.

The bill was ordered engrossed and read a third time.

Upon motion of Senator Knowles, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 14

Was read a third time and passed.

The president in the chair.

Senate Bill 18

Relating to interest on a judgment against a tortfeasor for any postponement of trial.

Was read a second time.

Amendment No. 1, S. was adopted.

The bill was indefinitely postponed.

Senate Bill 19

Relating to staff services for the lieutenant governor.

Was read a second time.

Senator Hollander moved that the bill be indefinitely postponed.

The bill was laid over until Thursday, March 11, upon motion of Senator Zaborski, with unanimous consent.

Senate Bill 22

Relating to the time for filing the petition for probate of dormant estates.

Was read a second time.

The bill was laid over until Friday, March 5th, upon motion of Senator Warren, with unanimous consent.

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Senate Bill 28

Relating to the formation of instrumentalities (as non-stock corporations) in counties to carry on programs and operations designed to stimulate the retention, establishment or enlargement of industrial, commercial and manufacturing enterprises, to prevent unemployment and to preserve and enhance the tax base.

Was read a second time.

The bill was placed at the foot of the calendar of Tuesday, March 2nd, upon motion of Senator Krueger, with unanimous consent.

Senate Bill 34

Relating to payment for sewage transmission and disposal from populous county buildings.

Was read a second time.

Substitute amendment No. 1, S. was adopted.

The bill was ordered engrossed and read a third time.

Upon motion of Senator Busby, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 34

Was read a third time and passed.

Ordred immediately messaged to the assembly.

Senate Bill 37

Relating to the issuance of trading stamps and their redemption.

Was read a second time.

The bill was made a Special Order for 10:00 o'clock Wednesday morning, March 10th, upon motion of Senator McParland, with unanimous consent.

Senate Bill 57

Relating to the duty of the district attorney and corporation counsel in counties having a population of 500,000 or more.

Was read a second time.

The bill was laid over until Friday, March 5th, upon motion of Senator Zaborski, with unanimous consent.

Senate Bill 62

Relating to the deletion of obsolete material, the elimination of inconsistencies, and the clarification and modification of various provisions pertaining to the Wisconsin retirement fund.

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Was read a second time.

The bill was ordered engrossed and read a third time.

Upon motion of Senator Knowles, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 68

Was read a third time and passed.

Senate Bill 68

Relating to the time of first board of review meetings.

Was read a second time.

The bill was ordered engrossed and read a third time.

Upon motion of Senator Knowles, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 68

Was read a third time and passed.

Senate Bill 72

Relating to the valuation of trust or estate assets in distributions thereof.

Was read a second time.

The bill was made a Special Order for 10:00 o'clock Thursday morning, March 11th, upon motion of Senator Warren, with unanimous consent.

Senate Bill 77

Relating to insurance premiums.

Was read a second time.

The bill was ordered engrossed and read a third time.

Upon motion of Senator Knowles, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 77

Was read a third time and passed.

Ordered immediately messaged to the assembly.

Senate Bill 81

An act to amend 192.268 of the statutes, relating to railroad track motor cars.

Was read a second time.

The bill was ordered engrossed and read a third time.

Upon motion of Senator Knowles, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 81

Was read a third time and passed.

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Senate Bill 85

Relating to establishing a work release plan for prison inmates, extending the Huber law to Milwaukee county house of correction inmates and granting rule-making power.

Was read a second time.

The bill was laid over until Friday, March 5th, upon motion of Senator Schreiber, with unanimous consent.

Senate Bill 90

Relating to the number of licenses to practice medicine issuable to foreign applicants annually.

Was read a second time.

The bill was ordered engrossed and read a third time.

Upon motion of Senator Knowles, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 90

Was read a third time and passed.

Senate Bill 146

Constituting recommendations made to the 1965 legislature pursuant to 108.14 (5m) by the statutory advisory committee, Relating to unemployment compensation, and affecting the unemployment reserve fund.

Amendment No. 1, S. was offered by Senator Hollander.

The bill on the calendar of Tuesday, March 2nd was made a Special Order for 10:00 o'clock Tuesday morning, March 9th, upon motion of Senator Lorge, with unanimous consent.

GUESTS INTRODUCED

18 Longfellow School 5th Grade pupils and their teacher Ruth Coron were introduced to the senate by Senator Riser.

The president extended his welcome to all of the guests.

Senator Knowles moved that the senate adjourn until 9:00 o'clock Friday morning, March 5, 1965.

The motion prevailed.