

STATE OF WISCONSIN

Senate Journal

Seventy-Seventh Session

TUESDAY, March 23, 1965.

10:00 o'clock A.M.

The senate met.

The president in the chair.

Prayer was offered by Reverend Donald E. Sumwalt.

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 Benson, Bice, Busby, Carr, Christopherson, Dempsey, Dorman, Draheim, Hansen, Hollander, Kendzior-ski, Keppler, Knowles, Krueger, LaFave, Leonard, Leverich, Lorge, Lourigan, McParland, Meunier, Panzer, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Smith, Sussman, Thompson, Warren and Zaborski—32.

Absent—Senator Miller—1.

INTRODUCTION OF AMENDMENTS

Amendment No. 1, S. to substitute amendment No. 1, S. to Senate Bill 87 was offered by Senator Leonard.

LEAVE OF ABSENCE

Senator Miller was granted a leave of absence for this week's session, upon motion of Senator Knowles, with unanimous consent.

BILLS INTRODUCED

Senate Bill 312

Relating to register of deeds fees.

By Senator Leverich, by request of the Register of Deeds Association.

Read first time.

To committee on Judiciary.

Senate Bill 313

Relating to the requirement of court permission for certain remarriages.

By Senators Busby and Leonard.

Read first time.

To committee on Judiciary.

Senate Bill 314

Relating to the creation, membership, powers and duties of an internship commission, and fees for pharmacy licenses and permits.

By Senators Rasmusen, Schreiber and Sussman; co-sponsored by Assemblymen Wackett and N. C. Anderson, by request of the Wisconsin Pharmaceutical Association.

Read first time.

To committee on Governmental and Veterans' Affairs.

PETITIONS AND COMMUNICATIONS

Senate Petition 7

A petition by 159 constituents of the 16th Senatorial District urging a vote against the pending oleomargarine bills before the 1965 Wisconsin Legislature.

By Senator Thompson.

Read first time.

To committee on Agriculture.

The State of Wisconsin
Office of Attorney General
Madison

The Honorable, the Senate:

By **Senate Resolution 13**, S. an opinion is requested on the question of whether **Senate Joint Resolution 5** is in compli-

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ance with Article XII, section 1, Wisconsin Constitution, relating to the amendment of the state constitution.

Senate Joint Resolution 5 proposes in effect that Article V, sec. 1, of the constitution be amended to change the term of the governor and of the lieutenant governor from two to four years and that Article V, sec. 3, be amended to provide that beginning with the general election in 1970 these officers shall be chosen jointly, by the casting by each voter of a single vote applicable to both offices.

The resolution also provides a recommendation that if the necessary legislative approval is given by the 1965 and 1967 legislatures the proposed amendments be submitted to the people substantially as follows :

- "1. Shall section 1 of Article V of the state constitution be amended to increase the terms of office of the governor and lieutenant governor to 4 years?
- "2. Shall section 3 of Article V of the state constitution be amended to provide that the governor and lieutenant governor shall be elected on a joint ticket by the casting of a single vote applicable to both offices?"

Article XII, sec. 1, Constitution, sets forth the procedure to be followed in amending the constitution. Among other things it provides "that if more than one amendment be submitted, they shall be submitted in such manner that the people may vote for or against such amendments separately.

It would appear that **Senate Joint Resolution 5** complies with this directive.

Reference is made in the request for this opinion to 48 OAG 188 (1959), 50 OAG 65 (1961) and *State ex rel. Thomson v. Zimmerman*, (1953) 264 Wis. 644, 60 N.W. (2d) 416, as having bearing on the question submitted.

Accordingly, **Senate Joint Resolution 5** is approved as to form and as being in full compliance with Article XII, section 1.

Respectfully yours,

BRONSON C. La FOLLETTE,

March 19, 1965.

Attorney General.

CAPTION: Senate Joint Resolution 5 calling for amendment of Article V, section 1, Wisconsin Constitution, so as to provide for four-year terms of the governor and the lieutenant governor and for amendment of Article V, section 3,

for their election on a single ticket, with the two propositions to be submitted to the voters as separate questions is in compliance with Article XII, section 1, relating to procedure in amending the state constitution.

The reading at length of the foregoing opinion of the attorney general was dispensed with and the clerk was directed to read only the Caption and the opinion was ordered spread upon the journal, upon motion of Senator Knowles, with unanimous consent.

MOTIONS

Senate Joint Resolution 5

Was recalled from committee on Judiciary and referred to the calendar, upon motion of Senator Leonard, with unanimous consent.

COMMITTEE REPORTS

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

Senate Resolution 14

Adoption; Ayes, 5; Noes, 0.

Senate Joint Resolution 38

Adoption; Ayes, 5; Noes, 0.

Senate Bill 63

Passage; Ayes, 4; Noes, 1.

Senate Bill 121

Adoption of substitute amendment 1, S.; Ayes, 5; Noes, 0 and indefinite postponement as amended; Ayes, 4; Noes, 1.

Senate Bill 150

Indefinite postponement; Ayes, 4; Noes, 1.

Senate Bill 153

Indefinite postponement; Ayes, 5; Noes, 0.

Senate Bill 154

Passage; Ayes, 5; Noes, 0.

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Assembly Joint Resolution 34

Concurrence; Ayes, 5; Noes, 0.

WILLIAM A. DRAHEIM,
Chairman.

The committee on Judiciary reports and recommends:

Senate Joint Resolution 36

Adoption of amendment 1, S.; Ayes, 5; Noes, 0; adoption of amendment 2, S.; Ayes, 5; Noes, 0 and adoption as amended; Ayes, 5; Noes, 0.

Assembly Bill 38

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 111

Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 112

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

ALLEN J. BUSBY,
Chairman.

EXECUTIVE COMMUNICATIONS

To the Honorable, the Senate:

The following bills, originating in the senate, have been approved, signed and deposited in the office of the Secretary of State.

Senate Bill	Chapter No.	Date Approved
151 -----	5 -----	March 19, 1965
33 -----	6 -----	March 19, 1965

Respectfully submitted,

WARREN P. KNOWLES,
Governor.

March 19, 1965.

MOTIONS

Senate Resolution 18

The resolution was recalled from the committee on Judiciary and referred to the calendar upon motion of Senator Smith, with unanimous consent.

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Senate Bill 172

The bill was withdrawn from the joint committee on Finance and referred to the joint Survey committee on Retirement Systems, upon motion of Senator Hollander, with unanimous consent.

Upon motion of Senator Roseleip, and in accordance with Joint Rule 26, the senate directed the Legislative Reference Bureau to prepare a suitable joint certificate of Commendation to the Monroe High School basketball team, and to their coach, Lee Mitchell, on winning the 1965 State High School Basketball Championship. By defeating Eau Claire Memorial High School 74-71, at the University of Wisconsin Field House, on March 20, 1965, Monroe High School completed the season with a record of 26 victories and no defeats.

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

Upon motion of Senator Knowles, with unanimous consent, the senate proceeded to the consideration of the 13th order of business on calendar of Wednesday, March 17.

SECOND READING AND AMENDMENT OF SENATE BILLS AND RESOLUTIONS

Senate Bill 74

Relating to the uniform commercial code and related statutes.

Was read a second time.

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 74

Was read a third time and passed.

Senate Bill 75

Relating to revisions in the divorce law and fees upon dismissal of actions affecting marriage.

Was read a second time.

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Amendment No. 1, S. to substitute amendment No. 1, S. was adopted.

The bill was made a Special Order for 9:00 o'clock Wednesday morning, March 24 upon motion of Senator Smith, with unanimous consent.

Senate Bill 76

Relating to a recodification of the law on powers.

Was read a second time.

Amendment No. 1, S. was adopted.

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 76

Was read a third time and passed.

Senate Bill 103

Prohibiting the use of lie detector tests by private employers and providing a penalty.

Was read a second time.

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

President pro tempore in the chair.

Senate Bill 112

Relating to the cigarette tax law and local licensing provisions (Revisor's Bill).

Was read a second time.

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

The bill was recalled from the joint committee on Finance and considered at this time, upon motion of Senator Hollander, with unanimous consent.

The bill was laid temporarily aside, upon motion of Senator Keppler.

Senate Bill 113

Relating to the county superintendent of schools and the county textbook board (Revisor's Correction Bill).

Was read a second time.

Was ordered engrossed and read a third time.

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

Senate Bill 113

Was read a third time and passed.

Senate Bill 116

Relating to the title, duties and authority of the free library commission (Revisor's bill).

Was read a second time.

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 116

Was read a third time and passed.

Senate Bill 160

Relating to the annual restaurant permit fee.

Was read a second time.

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

Was recalled from the committee on Finance and considered at this time, upon motion of Senator Hollander, with unanimous consent.

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

Amendment No. 1, S. was adopted.

Senator Lorge moved that the bill be indefinitely postponed.

The question was: Shall the bill be indefinitely postponed?

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

Ayes—Senators Busby, Kendziorski, Keppler, LaFave, Leverich, Lorge and Smith—7.

Noes—Senators Benson, Bice, Carr, Christopherson, Dempsey, Dorman, Draheim, Hansen, Hollander, Knowles, Krueger, Leonard, Lourigan, McParland, Meunier, Panzer, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Sussman, Thompson, Warren and Zaborski—25.

Absent or not voting—Senator Miller—1.

So the motion did not prevail.

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Senate Bill 160

The question was: Shall the bill be ordered engrossed and read a third time?

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

Ayes—Senators Benson, Carr, Christopherson, Dempsey, Dorman, Hansen, Hollander, Knowles, Leonard, Lourigan, McParland, Meunier, Panzer, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Sussman, Thompson and Warren—21.

Noes—Senators Bice, Busby, Draheim, Kendziorski, Keppler, Krueger, LaFave, Leverich, Lorge, Smith and Zaboriski—11.

Absent or not voting—Senator Miller—1.

So 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 160

Was read a third time.

The question was: Shall the bill pass?

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

Ayes—Senators Benson, Carr, Christopherson, Dempsey, Dorman, Hansen, Hollander, Knowles, Leonard, Lourigan, McParland, Meunier, Panzer, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Sussman, Thompson and Warren—21.

Noes—Senators Bice, Busby, Draheim, Kendziorski, Keppler, Krueger, LaFave, Leverich, Lorge, Smith and Zaboriski—11.

Absent or not voting—Senator Miller—1.

So the bill was passed.

The president resumed the chair.

Senate Bill 217

Was read a second time.

Substitute amendment No. 1, S. was returned to the author, upon motion of Senator Schreiber, with unanimous consent.

Senator Rasmusen moved rejection of substitute amendment No. 2, S.

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

Ayes—Senators Bice, Busby, Carr, Dempsey, Draheim, Hollander, Keppler, Knowles, Krueger, LaFave, Leonard, Leverich, Lorge, Meunier, Panzer, Rasmusen, Roseleip, Smith and Warren—19.

Noes—Senators Benson, Christopherson, Dorman, Hansen, Kendziorski, Lourigan, McParland, Risser, Schreiber, Schuele, Sussman, Thompson and Zaborski—13.

Absent or not voting—Senator Miller—1.

So the motion prevailed and substitute amendment No. 2, S. was rejected.

Senate Bill 217

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 217

Relating to the Wisconsin exhibit at the New York World's Fair, and making an appropriation.

Was read a third time.

The question was: Shall the bill pass?

The ayes and noes were required and the vote was: ayes, 20; noes, 10; paired, 2; absent or not voting, 1; as follows:

Ayes—Senators Benson, Bice, Busby, Carr, Dorman, Draheim, Hollander, Keppler, Knowles, Krueger, LaFave, Leonard, Lorge, McParland, Meunier, Panzer, Rasmusen, Roseleip, Smith and Warren—20.

Noes—Absent or not voting—Senators Christopherson, Hansen, Kendziorski, Lourigan, Risser, Schreiber, Schuele, Sussman, Thompson and Zaborski—10.

Absent or not voting—Senator Miller—1.

Paired—Senator Leverich for the bill, Senator Dempsey against—2.

So the bill passed.

Upon motion of Senator Knowles, with unanimous consent, all measures on which final action had been taken at today's session and not individually messaged be immediately messaged to the assembly.

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

COMMITTEE REPORTS

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

The appointment by the Governor of Joseph C. Fagan, of Thiensville, a member of the Industrial Commission of Wisconsin, to succeed Mathias F. Schimenz, for the term ending June 1, 1965, and for the full term ending June 1, 1971.

Confirmation; Ayes, 4; Noes, 1.

Senate Bill 181

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

Senate Bill 188

Passage; Ayes, 5; Noes, 0.

GERALD D. LORGE,
Chairman.

The committee on Education reports and recommends:

Assembly Bill 252

Concurrence; Ayes, 5; Noes, 0.

PETER P. CARR,
Chairman.

MOTIONS

Assembly Bill 252

Upon motion of Senator Carr, with unanimous consent, the bill was taken from the calendar of Thursday, March 25, and placed on the calendar of Thursday, March 18.

Senate Bill 70

Which was a Special Order for 10:00 o'clock this morning, was made a Special Order for 9:01 o'clock Wednesday morning, March 24, upon motion of Senator Knowles, with unanimous consent.

GUESTS INTRODUCED

Mr. O. G. Graven from Barron County, Wisconsin, Mr. A. W. Feander from Washburn County Wisconsin and Mr. Chris Abt from Barron County, Wisconsin were introduced to the senate by Senator Rasmusen.

Senator Hollander informed the senate that it is honored by the presence of Mrs. Franklin Jahnke and the Reverend and Mrs. Sumwalt all from Markesan, Wisconsin.

The president and the president pro tempore extended their welcome to all of the guests.

Upon motion of Senator Knowles, with unanimous consent, the senate adjourned until 9:00 o'clock Wednesday morning, March 24, 1965.

CHIEF CLERK'S REPORT

The chief clerk records:

Senate Bill 7,
Senate Bill 11,
Senate Bill 13,
Senate Bill 66, and
Senate Bill 125

Correctly engrossed on Monday, March 22, 1965.

And records:

Senate Bill 76,
Senate Bill 160 and
Senate Bill 217

Correctly engrossed on Tuesday, March 23, 1965.

And

Senate Joint Resolution 15 and
Senate Joint Resolution 40

Correctly enrolled on Tuesday, March 23, 1965.