

STATE OF WISCONSIN

# Senate Journal

## Seventy-Seventh Session

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TUESDAY, July 13, 1965.

10:00 o'clock A.M.

The senate met.

The president in the chair.

Prayer was offered by Father Anthony Schumacher.

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, Hansen, Hollander, Kendziorski, Keppler, Knowles, Krueger, Leonard, Leverich, Lorge, Lourigan, McParland, Meunier, Miller, Panzer, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Smith, Sussman, Thompson and Warren—30.

Absent—Senators Draheim and LaFave—2.

Absent with leave—Senator Zaborski—1.

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### COMMITTEE REPORTS

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

The appointment by the Governor of William E. Nuesse, of Madison, as Commissioner of Banks, to succeed himself, for the term ending June 30, 1971.

Confirmation; Ayes, 5; Noes, 0.

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The appointment by the Governor of Robert E. Stahl, of Kenosha, a member of the Wisconsin Real Estate Brokers' Board, to succeed Howard J. Meister, for the term ending July 12, 1971.

Confirmation; Ayes, 5; Noes, 0.

### Senate Bill 322

Rejection of amendment 1, S.; Ayes, 5; Noes, 0; adoption of substitute amendment 1, S.; Ayes, 5; Noes, 0 and passage as amended; Ayes, 5; Noes, 0.

### Senate Bill 549

Passage; Ayes, 3; Noes, 2.

GERALD D. LORGE,  
Chairman.

The committee on Education reports and recommends:

### Senate Bill 338

Adoption of amendment No. 1, S.; Ayes, 5; Noes, 0 and passage as amended; Ayes, 5; Noes, 0.

PETER P. CARR,  
Chairman.

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## MESSAGE FROM THE ASSEMBLY

By James P. Buckley, chief clerk thereof.

Mr. President:

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

The action by which the assembly, upon motion of Assemblymen Huber and Terry, pursuant to Joint Rule 26, has directed the Legislative Reference Bureau to prepare a suitable joint certificate of Appreciation to the 3rd Annual Circus parade, entitled "A Day in Old Milwaukee" which was viewed by crowds estimated in excess of 600,000, a sizeable increase over previous years and proof of the spreading fame of this fine civic venture; and Whereas, credit for the splendid success of the 1965 spectacle can be shared equally by Mr. Robert A. Uihlein, Jr., and the Joseph Schlitz Brewing Company, the Circus World Museum of Baraboo and its Director, C. P. (Chappie) Fox, and the Wisconsin State Historical Society, and has

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Passed and asks concurrence in  
**Assembly Bill 299,**  
**Assembly Bill 303,**  
**Assembly Bill 368,**  
**Assembly Bill 755** and has  
Concurred in  
**Senate Bill 524** and has  
Non-concurred in  
**Senate Joint Resolution 66**

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ASSEMBLY MESSAGE CONSIDERED

The assembly's action under Joint Rule 26, pursuant to motion of Assemblymen Huber and Terry was concurred in, upon the joint motion of Senators Busby, Sussman and Miller.

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

Read first time and referred :

**Assembly Bill 299**

To committee on Highways.

**Assembly Bill 303**

To committee on Judiciary.

**Assembly Bill 368**

To committee on Public Welfare.

**Assembly Bill 755**

To committee on Governmental and Veterans' Affairs.

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FURTHER MESSAGE FROM THE ASSEMBLY

By James P. Buckley, chief clerk thereof.

Mr. President:

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

**Assembly Joint Resolution 103,**

**Assembly Joint Resolution 108,** and has

Passed and asks concurrence in

**Assembly Bill 877** and has

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Concurred in  
**Senate Bill 12,**  
**Senate Bill 316,**  
**Senate Bill 413,**  
**Senate Bill 529 and**

Amendments No. 2, S., No. 4, S. and No. 8, S. to **Assembly Bill 903** and has

Nonconcurrent in  
Amendments No. 1, S., No. 3, S., and No. 5, S. to **Assembly Bill 903.**

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**ASSEMBLY MESSAGE CONSIDERED**

**Assembly Joint Resolution 103**

The joint resolution was referred to the calendar, upon motion of Senator Knowles, with unanimous consent.

**Assembly Joint Resolution 108**

A joint resolution relating to the life and public service of Edward A. Seymour.

Was read.

The joint resolution was concurred in, by unanimous rising vote.

Ordered immediately messaged to the assembly.

Read first time and referred:

**Assembly Bill 877**

To committee on Governmental and Veterans' Affairs.

**Assembly Joint Resolution 103**

A joint resolution ratifying an amendment to the Constitution of the United States relating to presidential succession.

Was taken from the calendar of Thursday, July 15th and considered at this time, upon motion of Senator Knowles, with unanimous consent.

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Upon motion of Senator Knowles, with unanimous consent, the senate recessed until 11:00 o'clock this morning.

RECESS

11:00 o'clock A.M.

The senate was called to order by the president.

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ASSEMBLY MESSAGE CONSIDERED, CONTINUED

**Assembly Joint Resolution 103**

Ratifying an amendment to the Constitution of the United States relating to presidential succession.

WHEREAS, both houses of the eighty-ninth Congress of the United States of America, at the first session, by a constitution majority of two-thirds, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"S.J. Res. 1

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE

"SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

"SECTION II. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

"SECTION III. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

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"SECTION IV. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

"Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within 48 hours for that purpose if not in session. If the Congress, within 21 days after receipt of the latter written declaration, or, if Congress is not in session, within 21 days after Congress is required to assemble, determines by two-thirds vote of both houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office." ; and

WHEREAS, the people of the sovereign State of Wisconsin, represented in Senate and Assembly, have studied said proposed addition to the Constitution of the United States and have reached a consensus that the federal government be permitted thus to alter the Constitution of the United States ; now, therefore, be it

*Resolved by the assembly, the senate concurring, That the said proposed amendment to the Constitution of the United States of America be and the same is hereby ratified by the legislature of the State of Wisconsin ; and, be it further*

*Resolved, That copies of this joint resolution, certified by the Secretary of State, be forwarded by the Governor to the General Services Administration of the government of*

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the United States, in Washington, D.C., and to the presiding officer of each house of the Congress of the United States.

Was read.

The question was: Shall the joint resolution be concurred in?

The ayes and noes were required and the vote was: ayes, 28; noes, 0; absent or not voting, 5; as follows:

**Ayes**—Senators Benson, Bice, Busby, Carr, Christopherson, Dempsey, Dorman, Hansen, Hollander, Kendziorski, Keppler, Knowles, Leonard, Leverich, Lorge, Lourigan, McParland, Meunier, Panzer, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Smith, Sussman, Thompson and Warren—28.

**Noes**—None.

**Absent or not voting**—Senators Draheim, Krueger, LaFave, Miller and Zaborski—5.

So the joint resolution was concurred in.

Ordered immediately messaged to the assembly.

### **Assembly Bill 903**

An act to amend and revise chapter 20 and to make divers other changes in the statutes and session laws, relating to state finances and appropriations, constituting the general fund budget bill of the 1965 legislature and making appropriations.

The bill was considered at this time, upon motion of Senator Knowles, with unanimous consent.

Senator Knowles moved that the senate adhere to its position on amendment No. 1, S.

The ayes and noes were demanded and the vote was: ayes, 16; noes, 12; absent or not voting, 5; as follows:

**Ayes**—Senators Bice, Busby, Carr, Dempsey, Hollander, Keppler, Knowles, Leonard, Leverich, Lorge, Meunier, Panzer, Rasmusen, Roseleip, Smith and Warren—16.

**Noes**—Senators Benson, Christopherson, Dorman, Hansen, Kendziorski, Lourigan, McParland, Risser, Schreiber, Schuele, Sussman and Thompson—12.

**Absent or not voting**—Senators Draheim, Krueger, LaFave, Miller and Zaborski—5.

So the motion prevailed.

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### Assembly Bill 903

The senate's position on amendment No. 3, S. was adhered to, upon motion of Senator Knowles.

### Assembly Bill 903

Senator Knowles moved that the senate adhere to its position on amendment No. 5, S.

The ayes and noes were demanded and the vote was: ayes, 21; noes, 7; absent or not voting, 5; as follows:

Ayes—Senators Benson, Bice, Busby, Carr, Dempsey, Hollander, Kendziorski, Keppler, Knowles, Leonard, Leverich, Lorge, Lourigan, McParland, Meunier, Panzer, Rasmussen, Roseleip, Schuele, Smith and Warren—21.

Noes—Senators Christopherson, Dorman, Hansen, Risser, Schreiber, Sussman and Thompson—7.

Absent or not voting—Senators Draheim, Krueger, LaFave, Miller and Zaborski—5.

So the motion prevailed.

### Assembly Bill 903

The senate requested a committee of Conference, upon motion of Senator Knowles, with unanimous consent.

The president appointed Senators Hollander, Knowles, and Leonard as members of the committee of Conference on the part of the senate.

Senator Knowles moved that the appointees to the committee of Conference be amended with Senator Panzer replacing Senator Knowles and Senator Busby replacing Senator Leonard.

Senator Risser rose to a point of order that the appointments to the committee of Conference were not subject to replacement by amendment.

The president ruled that the point of order was well taken and that the question was on confirmation of the appointees and further stated that a senator could ask to be withdrawn as a member of the committee of Conference if he so desired.

Senator Knowles requested that Senator Leonard and himself be withdrawn as members of the committee of Conference.

The president withdrew Senators Leonard and Knowles from the committee of Conference.

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The president appointed Senators Panzer, Hollander and Busby as members of the committee of Conference on the part of the senate.

The appointments by the president to the committee of Conference were confirmed.

Ordered immediately messaged to the assembly.

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Upon motion of Senator Knowles, with unanimous consent, the senate recessed until 3:30 o'clock this afternoon.

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### RECESS

3:30 o'clock P.M.

The senate was called to order by the president.

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

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### COMMITTEE REPORT

The committee on Legislative Procedure reports and recommends:

#### **Senate Bill —**

Relating to the registration and equipment of vehicles used for the transportation of fertilizers and chemicals used for farm crop production.

Introduction; Ayes, 11; Noes, 0.

#### **Senate Bill —**

Relating to claims of counties in certain cases for expenses incurred in connection with prisoners in state prisons in their counties.

Introduction; Ayes, 11; Noes, 0.

FRANK E. PANZER,  
Chairman.

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BILLS INTRODUCED

**Senate Bill 563**

Relating to the registration and equipment of vehicles used for the transportation of fertilizers and chemicals used for farm crop production.

By committee on Legislative Procedure, by request of Senator Panzer, by request of Wisconsin Fertilizer Association, Inc.

Read first time.

To committee on Highways.

**Senate Bill 564**

Relating to claims of counties in certain cases for expenses incurred in connection with prisoners in state prisons in their counties.

By committee on Legislative Procedure, by request of Senator Panzer.

Read first time.

To committee on Judiciary.

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SPECIAL ORDER

Senator Risser called the attention of the senate to the Special Order which had been fixed for 9:00 o'clock this morning and to the fact that that hour had arrived.

The senate proceeded to consider

**Assembly Bill 239**

Which had been made the Special Order.

**Assembly Bill 239**

Read a second time.

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

Senator Lorge moved that amendment No. 1, S. be rejected.

Amendment No. 1, S. to amendment No. 1, S. was offered by Senator Leonard.

**Assembly Bill 239**

The question was: Shall amendment No. 1, S. to amendment No. 1, S. be adopted?

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The ayes and noes were demanded and the vote was: ayes, 15; noes, 13; absent or not voting, 5; as follows:

Ayes—Senators Bice, Busby, Carr, Dempsey, Hollander, Keppler, Knowles, Leonard, Leverich, Meunier, Panzer, Rasmusen, Roseleip, Smith and Warren—15.

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

Absent or not voting—Senators Draheim, Krueger, LaFave, Miller and Zaborski—5.

So amendment No. 1, S. to amendment No. 1, S. was adopted.

### Assembly Bill 239

The question was: Shall amendment No. 1, S. be rejected?

Senator Hollander rose to a point of order that the bill required a fiscal note.

The president pro tempore ruled the point of order not well taken.

Senator Hollander asked unanimous consent that the bill be referred to the joint committee on Finance.

Senator Risser objected.

Senator Hollander moved that the bill be referred to the joint committee on Finance.

The ayes and noes were demanded and the vote was: ayes, 12; noes, 16; absent or not voting, 5; as follows:

Ayes—Senators Bice, Carr, Dempsey, Hollander, Knowles, Leverich, Meunier, Panzer, Rasmusen, Roseleip, Smith and Warren—12.

Noes—Senators Benson, Busby, Christopherson, Dorman, Hansen, Kendziorski, Keppler, Leonard, Lorge, Lourigan, McParland, Risser, Schreiber, Schuele, Sussman and Thompson—16.

Absent or not voting—Senators Draheim, Krueger, LaFave, Miller and Zaborski—5.

So the motion did not prevail.

### Assembly Bill 239

The question was: Shall amendment No. 1, S. be rejected?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 14; absent or not voting, 5; as follows:

Ayes—Senators Benson, Busby, Christopherson, Dorman,

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Hansen, Kendziorski, Lorge, Lourigan, McParland, Risser, Schreiber, Schuele, Sussman and Thompson—14.

Noes—Senators Bice, Carr, Dempsey, Hollander, Keppler, Knowles, Leonard, Leverich, Meunier, Panzer, Rasmusen, Roseleip, Smith and Warren—14.

Absent or not voting—Senators Draheim, Krueger, LaFave, Miller and Zaborski—5.

So the question was decided in the negative, the vote being a tie.

### Assembly Bill 239

The question was: Shall amendment No. 1, S. be adopted?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 13; absent or not voting, 5; as follows:

Ayes—Senators Benson, Bice, Carr, Dempsey, Hollander, Keppler, Knowles, Leonard, Leverich, Meunier, Panzer, Rasmusen, Roseleip, Smith and Warren—15.

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

Absent or not voting—Senators Draheim, Krueger, LaFave, Miller and Zaborski—5.

So amendment No. 1, S. was adopted.

The senate refused to non-concur in the bill.

The bill was ordered to a third reading.

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

### Assembly Bill 239

Relating to certification of migrant labor camps.

Was read a third time.

The question was: Shall the bill, as amended, be concurred in?

The ayes and noes were demanded and the vote was: ayes, 24; noes, 4; absent or not voting, 5; as follows:

Ayes—Senators Benson, Bice, Busby, Carr, Christopherson, Dorman, Hansen, Kendziorski, Keppler, Knowles, Leonard, Leverich, Lorge, Lourigan, McParland, Panzer, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Smith, Sussman and Thompson—24.

Noes—Senators Dempsey, Hollander, Meunier and Warren—4.

Absent or not voting—Senators Draheim, Krueger, LaFave, Miller and Zaborski—5.

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So the bill, as amended, was concurred in.  
Ordered immediately messaged to the assembly.

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Upon motion of Senator Knowles, with unanimous consent, the senate returned to the 5th order of business.

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**BILLS INTRODUCED**

**Senate Bill 565**

Relating to a tax exemption for assessments in conservation areas.

By Senator Schreiber; co-sponsored by Assemblyman Kessler, by request of City of Milwaukee.

Read first time.

To joint Survey committee on Tax Exemptions.

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Upon motion of Senator Leonard, with unanimous consent, the senate returned to the 3rd order of business.

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**INTRODUCTION OF AMENDMENTS**

Amendment No. 2, S. to substitute amendment No. 1, S. to **Senate Bill 42** was offered by Senator Leonard.

Amendment No. 1, S. to **Assembly Bill 400** was offered by Senator Dempsey.

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Upon motion of Senator Leonard, with unanimous consent, the senate returned to the 11th order of business.

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**MOTIONS**

**Senate Bill 454**

Was recalled from the committee on Judiciary and returned to its author, upon motion of Senator Leonard, with unanimous consent.

**Senate Bill 493**

Was recalled from the joint committee on Finance and referred to the calendar, upon motion of Senator Hollander, with unanimous consent.

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**GUESTS INTRODUCED**

Senator Risser introduced to the senate Diana Spangler, Anita Hameister, Susan Halverson, Rhonda Olmstead, Karen Zirkle, Patty Griffin, Lorean Paulson, Sandra Peterson, Diane Hunter, Linda Jenkins, Donna Naegele, Beverly VanZant, Janet Gentry, and Sharonane Springman of Brownie Troop 505, of Madison, Wisconsin, along with their Brownie Leader, Mrs. Margaret Hunter.

Mr. Scott Pippert of Howards Grove, Wisconsin, was introduced to the senate by Senator Keppler.

A group of forty-four 9th Congressional District Young Democrats, guests of Senators Benson, Sussman, Schuele, Schreiber, Zaborski and Leonard, were introduced to the senate by Senator Sussman.

Senator Leverich introduced to the senate Mr. and Mrs. Edward Hickin, and sons Jeff, Michael and Thomas, of West Bend, Wisconsin. The Hickins are the son-in-law and daughter, of Senator and Mrs. Leverich.

Senator McParland introduced to the senate Mr. and Mrs. Melvin Noth, their daughter Julie Noth, and Glenda Skelley of Menominee Falls, Wisconsin. Mr. Noth is the director of Public Works for the village of Menominee Falls.

Miss Barbara Evans of New Richmond and Miss Peggy Hesse, of Elmhurst, Illinois, were introduced to the senate by Senator Knowles.

Senator Schreiber introduced to the senate his brother, Robert Schreiber, a student at Whitewater State University.

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Upon motion of Senator Knowles, the senate adjourned until 9:00 o'clock Wednesday morning, July 14, 1965.