

STATE OF WISCONSIN

# Senate Journal

## Seventy-Seventh Session

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THURSDAY, June 2, 1966.

9:00 o'clock A.M.

The senate met.

The president in the chair.

Prayer was offered by the Reverend G. E. Yarrington of the Wesleyan Methodist Church of Madison.

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, Leverich, Lorge, Lourigan, McParland, Meunier, Panzer, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Smith, Sussman, Thompson, Warren and Zaborski—31.

Absent—Senator Leonard—1.

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### INTRODUCTION OF AMENDMENTS

Amendment No. 1, S. to Assembly Bill 937 was offered by Senator Leverich.

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### RESOLUTIONS INTRODUCED

#### Senate Joint Resolution 128

A joint resolution relating to the life and public service of former Assemblyman Charles M. Fisher.

By Entire Membership of the Senate

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Was read.

The joint resolution was adopted by unanimous rising vote.

Ordered immediately messaged to the assembly

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MOTION UNDER JOINT RULE 26

The State of Wisconsin \* \* \* Citation by the Legislature

Know you by these presents:

Whereas, Reverend John Grellinger, Aux. Bishop of Green Bay Diocese and pastor of St. Mary's Congregation, Bear Creek, Wisconsin is sponsoring St. Mary's second annual Sauerkraut Festival at Bear Creek, Wis. on August 7, 1966 at 11:00 A.M. which is a statewide event; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator Lorge; co-sponsored by Assemblymen Conradt, Froehlich and Rogers under Joint Rule 26, hereby congratulates Bishop Grellinger, the Sauerkraut Festival Committee, members of St. Mary's Congregation and all Bear Creek area community helpers and all persons interested in making this a statewide gala, happy and prosperous event.

Was read.

The motion was adopted.

Ordered immediately messaged to the assembly.

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MOTION UNDER JOINT RULE 26

The State of Wisconsin \* \* \* Citation by the Legislature

Know you by these presents:

Whereas, God in His Wisdom has taken to eternal rest the Honorable Walter P. Kuptz, a former Assemblyman who represented the 13th Assembly district of Milwaukee in the Legislative Session of 1931; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator Norman Sussman; co-sponsored by Assemblymen Ronald G. Parys and Lloyd A. Barbee, under Joint Rule 26, extend the condolences of the Wisconsin Legislature to Mrs. Julia Kuptz.

Was read.

The motion was adopted.

Ordered immediately messaged to the assembly.

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**PETITIONS AND COMMUNICATIONS**

**The State of Wisconsin  
Department of State  
Madison**

To the Honorable, the Senate:

Gentlemen: I have the honor to transmit to you, pursuant to Section 13.67 (2), duplicate lists of the registered lobbyists for the period beginning May 24 and ending May 30, 1966.

Very truly yours,

**ROBERT C. ZIMMERMAN,**  
Secretary of State.

May 31, 1966.

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

George B. Hall, Director of Industry Relations, P.O. Box 521, Abilene, Texas—Anderson Clayton and Company, Houston, Texas—Oleomargarine—May 5, 1966—Session.

Authorization Cancelled—Letter dated May 24, 1966.

Joseph F. Preloznik, Attorney, 6126 Hammersley Road, Madison, Wisconsin—Wisconsin Chapter of the American Institute of Architects, 3902 North Lovers Lane Road, Milwaukee, Wisconsin.

Ordered spread upon the journal pursuant to statutory requirement.

**STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION**

**Bureau of Management  
State Office Building  
Madison, Wisconsin 53702**

May 31, 1966.

**Mr. William P. Nugent  
Senate Chief Clerk  
State Capitol  
Madison, Wisconsin**

Dear Mr. Nugent: The State Claims Commission is submitting a report to you in accordance with the provisions of

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Section 15.94 of the statutes covering a claim heard by it on April 14, 1966.

The Claims Commission will appreciate your acceptance of the report and the spreading of it upon the Journal in the next session of the legislature to inform the members of the Senate as to the nature of the type of claims which come before the Commission for its consideration.

Sincerely,

WAYNE F. MCGOWN,  
Secretary,  
State Claims Commission.

### BEFORE THE CLAIMS COMMISSION OF WISCONSIN

Hearing was held at Madison, Wisconsin, on April 14, 1966 upon the claim of Earl Elfers in the amount of \$7,295.97.

#### The Commission Finds:

Earl Elfers claims \$7,295.97 as compensation as assemblyman for the second district of Kenosha County for the term January 1963 through January 13, 1965. The foregoing amount consists of unpaid salary from February 1, 1963 through December 31, 1963 in the amount of \$3,300.00; unpaid salary from January 1, 1964 through December 31, 1964 in the amount of \$3,600.00; unpaid salary from January 1, 1965 through January 13, 1965 in the amount of \$120.97, and out of session expenses for 11 months at \$25 per month totalling \$275.00.

Mr. Earl Elfers had been a candidate for assemblyman for the second district of Kenosha County and had received a certificate of election from the county clerk of said county following a canvass of the November 1962 election. On January 9, 1963 upon the convening of the 1963 legislative session the assembly received notice of an election contest for the second district filed by Russell A. Olson with the Secretary of State on December 28, 1962. Mr. Elfers took the oath of office, signed the role, and was assigned a seat and corresponding voting number in the assembly.

On February 5, 1963 the assembly adopted Resolution 9, A., declaring Olson the winner by one vote over Elfers in the November election. Subsequently on February 7, 1963 following defeat of the reconsideration motion, Olson took his oath, signed the role and was assigned Elfer's seat and

number on the voting board. Elfers commenced a quo warranto action against Olson in the circuit court for Kenosha County alleging that the assembly action in adopting Resolution 9, A., was void in that the resolution was adopted by a bare majority rather than a two-thirds vote of the members of the assembly as is required by sec. 8, art. IV, of the Wisconsin Constitution for the expulsion of a member.

The circuit court entered judgment for Elfers and the matter was taken to the Wisconsin Supreme Court on appeal. The Supreme Court in reversing the circuit court determined that the assembly in adopting Resolution 9, A., was not attempting expulsion of a member but was acting to settle an election contest. The court found that;

“\* \* \* As a matter of law, it is clear that under these circumstances Elfers did not achieve the status of a member so that he could assert the provisions of sec. 8, art. IV, which authorizes removal for one of the stated causes and upon a two-thirds vote of all members.”

Having determined that the action of the assembly was one to settle an election contest, the court then concluded that it was without jurisdiction to review the assembly's action. The court based this decision on sec. 7, art. IV of the Wisconsin Constitution which provides:

“Each house shall be the judge of the elections, returns and qualifications of its own members; \* \* \*”

#### The Commission Concludes

The only question before us is the matter of compensation of Mr. Elfers for the 1963 legislative session. In view of the fact that the assembly seated someone other than Mr. Elfers and the Supreme Court has upheld this action, we must accept the fact that Mr. Olson was the legally seated assemblyman from the second district for Kenosha County for the 1963 legislative session. In arriving at this conclusion we have not reviewed the action of the assembly in seating Mr. Olson. In view of the Supreme Court decision there is no need for our so doing. We, therefore, express no opinion as to the action of the assembly.

The only basis upon which Mr. Elfers could claim compensation for the term in dispute is that he was a de facto officer representing the people of the second district of Kenosha County. The Attorney General for the State of Wisconsin in reply to a request from the Commissioner of the

department of administration relative to the payment of salary in this case pointed out the following:

“\* \* \* By the decided weight of authority, a de facto officer cannot maintain an action to recover the salary, fees, or ther emoluments attached to the office, even though he has performed the duties thereof. Sec. 488, p. 237 [43 Am. Jur. ‘Public Officers,'] \* \* \*.”

And further:

“There cannot be two persons in the possession of an office at the same time, even when the two are an officer de jure and an officer de facto. 43 Am. Jur. ‘Public Officers,’ sec. 473, pp. 226-7.” (52 O.A.G. 19)

The Attorney General concludes that:

“Accordingly, it is concluded that the payments already made to Mr. Elfers are not improper but that he is entitled to no further payments \* \* \*” (52 O.A.G. 21)

The Commission concludes therefor that the claim of Earl Elfers is not one which the State is legally liable nor one which involves a causal negligence of the employes of the state, nor one which on equitable principles the state should pay. The claim of Earl Elfers is, therefore, denied.

Dated at Madison, Wisconsin, this 27th day of May, 1966.

WALTER G. HOLLANDER,  
Chairman, Senate Committee on Finance.  
GEORGE MOLINARO,  
Chairman, Assembly Committee on Finance.  
ARVID SATHER,  
Representative of Governor.  
WARREN D. EXO,  
Representative of Commisisoner of  
Administration.  
DAVID G. McMILLAN,  
Representative of Attorney General.

The foregoing report of the claims commission was received and referred to the joint committee on Finance.

Ordered spread upon the journal.

Read and referred as follows:

**Senate Petition 113**

A petition by Mrs. Ruth Nowak and 78 residents of the City of Milwaukee petitioning the Legislature to allow the

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people in Wisconsin to buy oleomargarine tax free and yellow colored.

By Senator Leonard. To committee on Agriculture.

**Senate Petition 114**

A petition by Mrs. Jerome Gordon and 1,107 residents of the City of Milwaukee petitioning the Legislature to allow the people in Wisconsin to buy oleomargarine tax free and yellow colored.

By Senator Leonard. To committee on Agriculture.

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COMMITTEE REPORTS

The committee on Education reports and recommends:

**Senate Bill 681**

Passage; Ayes, 5; Noes, 0.

**Assembly Bill 945**

Concurrence; Ayes, 5; Noes, 0.

**Assembly Bill 1062**

Concurrence; Ayes, 5; Noes, 0.

PETER P. CARR,  
Chairman.

The committee on Committees reports and recommends:

The following appointments to the committee on Highways:

Senator LaFave, chairman (to complete the unexpired term of Senator Miller, deceased)

Senator Keppler, vice chairman (to complete the unexpired term of Senator LaFave)

Senator Leverich (to complete the unexpired term of Senator Smith—resigned)

The following appointments to the committee on Governmental and Veterans' Affairs:

Senator Roseleip, vice chairman (replacing Senator LaFave)

Senator Smith (to complete the unexpired term of Senator LaFave, resigned)

The following appointment to the committee on Contingent Expenditures:

Senator Knowles, chairman (to complete the unexpired term of Senator LaFave—resigned)

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The following appointment to the committee on Revisions, Repeals and Uniform Laws:

Senator Warren, chairman (to complete the unexpired term of Senator Keppler—resigned)

The following appointments to the committee to study the subject matter of Amendment No. 23, A. to Assembly Bill 755, and all relative material relating to straight party voting, pursuant to the Committee of Conference report:

Senators Leonard (chairman), Knowles and Schuele

The following appointments to the special interim committee of the legislative council to study all present laws relating to the mentally ill, pursuant to Senate Joint Resolution 34:

Senators Rasmusen (chairman), Warren and Dorman

RAYMOND C. BICE,  
Chairman.

JERRIS LEONARD  
CHESTER E. DEMPSEY.

Was read.

The report of the committee on Committees was adopted.

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### SPECIAL COMMITTEE REPORTS

#### REPORT OF JOINT SURVEY COMMITTEE ON TAX EXEMPTIONS ON SENATE BILL 699

##### Public Policy Involved

As all servicemen are required to maintain a state of residence during their stay in military service the Wisconsin serviceman, at the time of his departure, indicates our state as his domicile. These Wisconsin servicemen may be away from this state for one year or many years with their point of service in other states or in any of a number of foreign countries. If married, their families likewise are out of state. During their military duties they are subject to forms of taxation for which they have no offset against their Wisconsin income tax liability; for example, sales taxes paid in a state or country that represents their post of duty. The right to vote and the residency tuition feature of children who might attend schools of higher education in Wisconsin are the only real privileges retained by them. It would be

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simple for them to adopt a new state of residence and secure the right to vote and the residency tuition feature in the state of duty.

As the state of Wisconsin and the subdivisions are not burdened with any costs during the absence, an exemption from income tax liability would be just from the equity viewpoint.

Respectfully submitted,

JOINT SURVEY COMMITTEE  
ON TAX EXEMPTIONS

Alex J. Meunier,  
Chairman.  
Adrian J. Manders,  
Vice-Chairman.

**Senate Bill 699**

Was referred to the committee on Labor, Taxation, Insurance and Banking.

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EXECUTIVE COMMUNICATIONS

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, and by and with the advice and consent of the Senate, I hereby nominate and appoint Carl H. Steinhardt, of Wauwatosa, as a member of the Credit Union Review Board, to succeed Adolph R. Gull, for the term ending on the first Monday in June, 1971.

Respectfully submitted,

WARREN P. KNOWLES,  
Governor.

June 1, 1966.

The foregoing appointment by the Governor was made a Special Order for 9:01 o'clock this morning, upon motion of Senator Knowles, with unanimous consent.

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, and by and with the advice and consent of the Senate, I hereby

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nominate and appoint Reginald N. Reinke, of Appleton, as a member of the Credit Union Review Board, to succeed Ray J. Theisen, for the term ending on the first Monday in June, 1969.

Respectfully submitted,

WARREN P. KNOWLES,

June 1, 1966.

Governor.

The foregoing appointment by the Governor was made a Special Order for 9:01 o'clock this morning, upon motion of Senator Knowles, with unanimous consent.

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Upon motion of Senator Knowles, with unanimous consent, the senate recessed until 10:00 o'clock this morning.

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RECESS

10:00 o'clock A.M.

The senate was called to order by the president.

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SPECIAL ORDERS AT 9:01 O'CLOCK A.M.,  
CONSIDERED

EXECUTIVE COMMUNICATIONS

The following 2 appointments by the Governor were considered en masse, upon motion of Senator Knowles, with unanimous consent.

The question was: Shall the appointment by the Governor of Carl H. Steinhardt, of Wauwatosa, as a member of the Credit Union Review Board, to succeed Adolph R. Gull, for the term ending on the first Monday in June, 1971,

And of Reginald N. Reinke of Appleton, as a member of the Credit Union Review Board, to succeed Ray J. Theisen, for the term ending on the first Monday in June, 1969, be confirmed?

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The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 2; as follows:

Ayes—Senators Benson, Bice, Busby, Carr, Christopherson, Dorman, Draheim, Hansen, Hollander, Kendziorski, Keppler, Knowles, Krueger, LaFave, Leverich, Lorge, Lourigan, McParland, Meunier, Panzer, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Smith, Sussman, Thompson, Warren and Zaborski—30

Noes—None.

Absent or not voting—Senators Dempsey and Leonard—2.

So the appointments by the Governor were confirmed.

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### LEAVE OF ABSENCE

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

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### Assembly Bill 330

Relating to boat registration, boat safety and regulation of boating, and granting rule-making authority.

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

Read a second time.

Senator Krueger moved that the bill be re-referred to the committee on Conservation.

The ayes and noes were demanded and the vote was: ayes, 16; noes, 13; absent or not voting, 3; as follows:

Ayes—Senators Bice, Carr, Dempsey, Draheim, Hollander, Kendziorski, Keppler, Knowles, Krueger, LaFave, Leverich, Lorge, Meunier, Panzer, Rasmusen and Warren—16.

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

Absent or not voting—Senators Leonard, Roseleip and Smith—3.

So the motion prevailed.

**Senate Bill 685**

The bill was taken from the calendar of Monday, May 23rd and considered at this time, upon motion of Senator Knowles, with unanimous consent.

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 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 685**

Relating to school attendance of children under supervision of the state department of public welfare.

Was read a third time.

The question was: Shall the bill pass?

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 1; as follows:

Ayes—Senators Benson, Bice, Busby, Carr, Christopher-son, Dempsey, Dorman, Draheim, Hansen, Hollander, Kendziorski, Keppler, Knowles, Krueger, L a F a v e , Leverich, Lorge, Lourigan, McParland, Meunier, Panzer, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Smith, S u s s m a n , Thompson, Warren and Zaborski—31.

Noes—None.

Absent or not voting—Senator Leonard—1.

So the bill passed.

Ordered immediately messaged to the assembly.

**Assembly Bill 822**

Relating to injunctive relief where personal rights are interfered with, injured, destroyed or taken away.

Was taken from the calendar of Monday, May 2nd and considered at this time, upon motion of Senator Knowles, with unanimous consent.

Read a second time.

The question was: Shall the bill be non-concurred in?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 14; absent or not voting, 1; as follows:

Ayes—Senators Busby, Carr, Dempsey, Draheim, Hollan-

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der, Kendziorski, Keppler, Knowles, Krueger, LaFave, Leverich, Meunier, Panzer, Rasmusen, Roseleip, Smith and Warren—17.

Noes—Senators Benson, Bice, Christopherson, Dorman, Hansen, Lorge, Lourigan, McParland, Risser, Schreiber, Schuele, Sussman, Thompson and Zaborski—14.

Absent or not voting—Senator Leonard—1.

So the bill was non-concurred in.

Ordered immediately messaged to the assembly.

**Assembly Bill 687**

Relating to issuance of nonassessable policies by mutuals and capital and surplus of stock insurance companies.

Was recalled from the committee on Labor, Taxation, Insurance and Banking and considered at this time, upon motion of Senator Knowles, with unanimous consent.

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.

The bill was read a third time and concurred in.

Ordered immediately messaged to the assembly.

**Assembly Bill 744**

The bill which had been laid aside temporarily last July 30th was considered at this time, upon motion of Senator Knowles, with unanimous consent.

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.

The bill was laid aside temporarily, upon motion of Senator Knowles, with unanimous consent.

**Assembly Bill 888**

Was taken from an assembly message, read first time and considered at this time, upon motion of Senator Knowles, with unanimous consent.

Read a second time.

Senator Kendziorski moved that the bill be non-concurred in.

The motion did not prevail.

The bill was ordered to a third reading.

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

### Assembly Bill 888

Relating to issuance of requested license numbers.

Was read a third time.

The question was: Shall the bill be concurred in?

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 2; as follows:

Ayes—Senators Benson, Bice, Busby, Carr, Christopherson, Dempsey, Dorman, Draheim, Hansen, Hollander, Kendziorski, Keppler, Knowles, Krueger, LaFave, Leverich, Lorge, Lourigan, Meunier, Panzer, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Smith, Sussman, Thompson, Warren and Zaborski—30.

Noes—None.

Absent or not voting—Senators Leonard and McParland—2.

So the bill was concurred in.

Ordered immediately messaged to the assembly.

### Senate Bill 260

Relating to the program of the state recreation committee for the 1963–1965 and 1965–1967 bienniums and making appropriations.

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

Read a second time.

Senator LaFave asked unanimous consent that the bill be re-referred to the joint committee on Finance.

Senator Zaborski objected.

Senator LaFave moved that the bill be re-referred to the joint committee on Finance.

The ayes and noes were demanded and the vote was: ayes, 26; noes, 3; absent or not voting, 3; as follows:

Ayes—Senators Benson, Bice, Carr, Christopherson, Dempsey, Dorman, Draheim, Hansen, Hollander, Kendziorski, Keppler, Knowles, Krueger, LaFave, Leverich, Lorge, Meunier, Panzer, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Sussman, Warren and Zaborski—26.

Noes—Senators Busby, Lourigan and Thompson—3.

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Absent or not voting—Senators Leonard, McParland and Smith—3.

So the motion prevailed.

### **Assembly Bill 744**

Relating to the executive powers of the chairmen of certain state boards and commissions and granting rule-making authority.

Which had been laid aside temporarily earlier was considered at this time, upon motion of Senator Knowles, with unanimous consent,

Was read a third time and concurred in.

Ordered immediately messaged to the assembly.

### **Assembly Bill 1081**

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

Read a second time.

Amendment No. 1, S., to substitute amendment No. 1, S., was rejected, upon motion of Senator Knowles.

Substitute amendment No. 1, S., was rejected, upon motion of Senator Knowles.

Senator LaFave moved that substitute amendment No. 2, S., be rejected.

The bill was laid aside temporarily, upon motion of Senator LaFave. with unanimous consent.

### **Senate Bill 610**

Was taken from an assembly message and made a Special Order for 1:30 o'clock this afternoon, upon motion of Senator Knowles, with unanimous consent.

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Upon motion of Senator Knowles, with unanimous consent, the senate recessed until 1:30 o'clock this afternoon.

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RECESS

1:30 o'clock P.M.

The senate was called to order by the president.

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Upon motion of Senator Knowles, with unanimous consent, the senate recessed until 2:00 o'clock this afternoon.

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### RECESS

2:00 o'clock P.M.

The senate was called to order by the president.

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### SPECIAL ORDER

Senator Knowles called the attention of the senate to the Special Order which had been fixed for 1:30 o'clock this afternoon and to the fact that that hour had arrived.

The senate proceeded to consider

#### **Senate Bill 610**

Which had been made the Special Order.

#### **Senate Bill 610**

Senator Knowles moved that amendment No. 1, A. be non-concurred in.

Senator Knowles 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 Benson, Busby, Carr, Christopherson, Dorman, Draheim, Hansen, Hollander, Kendziorski, Keppler, Knowles, LaFave, Leverich, Lorge, Lourigan, McParland, Meunier, Panzer, Risser, Roseleip, Schreiber, Schuele, Sussman, Thompson, Warren and Zaborski—26.

Absent—Senators Bice, Dempsey, Krueger, Rasmusen and Smith—5.

Absent with leave—Senator Leonard—1.

#### **Assembly Bill 1081**

Which had been laid aside temporarily earlier today was made a Special Order for 9:00 o'clock tomorrow morning, upon motion of Senator Knowles, with unanimous consent.

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**Assembly Bill 1088**

Was taken from an assembly message, read first time and considered at this time, upon motion of Senator Knowles, with unanimous consent.

Read a second time.

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 1088**

Relating to income or franchise tax deductions of corporations.

Was read a third time.

The question was: Shall the bill be concurred in?

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 2; as follows:

Ayes—Senators Benson, Bice, Busby, Carr, Christopher-son, Dempsey, Dorman, Draheim, Hansen, Hollander, Kendzioriski, Keppler, Knowles, LaFave, Leverich, Lorge, Lourigan, McParland, Meunier, Panzer, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Smith, Sussman, Thompson, Warren and Zaborski—30.

Noes—None.

Absent or not voting—Senators Krueger and Leonard—2.

So the bill was concurred in.

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

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**SPECIAL ORDER, CONTINUED**

**Senate Bill 610**

Relating to elderly homeowners and renters tax refunds.

The question was: Shall amendment No. 1, A. be non-concurred in?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 13; absent or not voting, 1; as follows:

Ayes—Senators Bice, Carr, Dempsey, Draheim, Hollander, Keppler, Knowles, Krueger, LaFave, Leverich, Lorge,

Meunier, Panzer, Rasmusen, Roseleip, Schreiber, Smith and Warren—18.

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

Absent or not voting—Senator Leonard—1.

So amendment No. 1, A. was non-concurred in.

### Senate Bill 610

Senator Knowles asked unanimous consent that the bill be ordered immediately messaged to the assembly.

Senator Schreiber objected.

Senator Schreiber moved that the vote by which amendment No. 1, A. was non-concurred in be reconsidered.

Senator Schreiber asked unanimous consent that the motion be made a Special Order for 9:01 o'clock tomorrow morning.

Senator Knowles objected.

Senator Schreiber asked unanimous consent to withdraw his motion for reconsideration.

Senator Knowles objected.

### Senate Bill 610

The question was: Shall the vote by which amendment No. 1, A. was non-concurred in be reconsidered?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 17; absent or not voting, 1; as follows:

Ayes—Senators Benson, Busby, Christopherson, Dorman, Hansen, Kendziorski, Lourigan, McParland, Risser, Schreiber, Schuele, Sussman, Thompson and Zaborski—14.

Noes—Senators Bice, Carr, Dempsey, Draheim, Hollander, Keppler, Knowles, K r u e g e r , LaFave, Leverich, Lorge, Meunier, Panzer, Rasmusen, Roseleip, Smith and Warren—17.

Absent or not voting—Senator Leonard—1.

So the question was decided in the negative.

Ordered immediately messaged to the assembly.

The president pro tempore in the chair.

### Senate Bill 681

Relating to payments and creditable service under the state teachers' retirement law.

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Was taken from the calendar of Tuesday, June 7th and considered at this time, upon motion of Senator Zaborski, with unanimous consent.

Read a second time.

The bill was re-referred to the joint Survey committee on Retirement Systems, upon motion of Senator Hollander, with unanimous consent.

### **Assembly Bill 1028**

Was taken from an assembly message, read first time and considered at this time, upon motion of Senator Knowles, with unanimous consent.

Read a second time.

Substitute amendment No. 1, S. was offered by Senator Leonard.

Substitute amendment No. 1, S. was rejected, upon motion of Senator Hollander.

The president resumed the chair.

Senator Benson suggested the absence of a quorum.

The clerk was directed to call the roll.

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

Senators Benson, Bice, Busby, Carr, Christopherson, Dempsey, Dorman, Draheim, Hansen, Hollander, Kendzioriski, Keppler, Knowles, Leverich, Lorge, Lourigan, McParland, Meunier, Panzer, Rasmusen, Roseleip, Schreiber, Schuele, Sussman, Thompson and Zaborski—27.

Absent—Senators LaFave, Risser, Smith and Warren—4.

Absent with leave—Senator Leonard—1.

So there was a quorum present.

### **Assembly Bill 1028**

Senator McParland asked unanimous consent that the bill be laid over until Thursday, November 10th.

Senator Hollander objected.

Senator McParland moved that the bill be laid over until Thursday, November 10th.

The ayes and noes were demanded and the vote was: ayes, 9; noes, 19; absent or not voting, 4; as follows:

Ayes—Senators Benson, Dempsey, Draheim, Kendzioriski, Keppler, Lourigan, McParland, Schuele and Smith—9.

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Noes—Senators Bice, Busby, Carr, Christopherson, Dorman, Hansen, Hollander, Knowles, Leverich, Lorge, Meunier, Panzer, Rasmusen, Risser, Roseleip, Schreiber, Sussman, Thompson and Zaborski—19.

Absent or not voting—Senators Krueger, LaFave, Leonard and Warren—4.

So the motion did not prevail.

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

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

### Assembly Bill 1028

Senator Carr asked unanimous consent that the bill be made a Special Order for 9:01 o'clock tomorrow morning.

Senator Hollander objected.

Senator Carr moved that the bill be laid over until tomorrow.

With unanimous consent, Senator Carr withdrew his foregoing motion.

### Assembly Bill 1028

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

Senator McParland 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 Benson, Bice, Busby, Carr, Christopherson, Dempsey, Dorman, Draheim, Hansen, Hollander, Kendzior-ski, Keppler, Knowles, Krueger, LaFave, Leverich, Lorge, Lourigan, McParland, Meunier, Panzer, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Smith, Sussman, Thompson, Warren and Zaborski—31.

Absent—None.

Absent with leave—Senator Leonard—1.

So the call was raised.

### Assembly Bill 1028

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

The ayes and noes were demanded and the vote was: ayes, 18; noes, 13; absent or not voting, 1; as follows:

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**Ayes**—Senators Bice, Busby, Carr, Christopherson, Dorman, Hansen, Hollander, Knowles, Krueger, Lorge, Panzer, Rasmusen, Risser, Schreiber, Smith, Sussman, Thompson and Zaborski—18.

**Noes**—Senators Benson, Dempsey, Draheim, Kendziorski, Keppler, LaFave, Leverich, Lourigan, McParland, Meunier, Roseleip, Schuele and Warren—13.

Absent or not voting—Senator Leonard—1.

So amendment No. 1, S., was rejected.

### **Assembly Bill 1028**

Senator Lorge moved that the vote by which amendment No. 1, S., was rejected be reconsidered.

Senator Lorge asked unanimous consent that the motion be laid over until tomorrow.

Senator Hollander objected.

The question was: Shall the vote by which amendment No. 1, S., was rejected be reconsidered?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 18; absent or not voting, 1; as follows:

**Ayes**—Senators Benson, Dempsey, Draheim, Kendziorski, Keppler, LaFave, Lorge, Lourigan, McParland, Meunier, Roseleip, Schuele and Warren—13.

**Noes**—Senators Bice, Busby, Carr, Christopherson, Dorman, Hansen, Hollander, Knowles, Krueger, Leverich, Panzer, Rasmusen, Risser, Schreiber, Smith, Sussman, Thompson and Zaborski—18.

Absent or not voting—Senator Leonard—1.

So the motion did not prevail.

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### LEAVES OF ABSENCE

Senators Warren, Krueger and LaFave were granted a leave of absence for the balance of today's session, upon motion of Senator Krueger, with unanimous consent.

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### **Assembly Bill 1028**

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.

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The president pro tempore in the chair.

The president resumed the chair.

### Assembly Bill 1028

To increase general fund appropriations to the university of Wisconsin and the state colleges.

Was read a third time.

The question was: Shall the bill be concurred in?

The ayes and noes were required and the vote was: ayes, 20; noes, 8; absent or not voting, 4; as follows:

Ayes—Senators Bice, Busby, Carr, Christopherson, Dorman, Hansen, Hollander, Knowles, Leverich, Lorge, Meunier, Panzer, Rasmusen, Risser, Schreiber, Schuele, Smith, Sussman, Thompson and Zaborski—20.

Noes—Senators Benson, Dempsey, Draheim, Kendziorski, Keppler, Lourigan, McParland and Roseleip—8.

Absent or not voting—Senators Krueger, LaFave, Leonard and Warren—4.

So the bill was concurred in.

Ordered immediately messaged to the assembly.

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### GUESTS INTRODUCED

Senator McParland announced that the senate was honored by the presence of the Honorable Charles J. Schmidt, former senator of the 5th senatorial district and present City of Milwaukee Alderman.

Upon invitation by Senator McParland and with unanimous consent, the former Senator in well chosen words briefly addressed the senate from the rostrum.

Senator Lourigan welcomed to the senate 30 students from the Pleasant Prairie Public School, Kenosha County, with their five teachers.

Senator Leverich introduced to the senate Mr. and Mrs. Jack Rogers, Philadelphia, Pennsylvania, brother-in-law and sister of Senator J. Earl Leverich, and also the Senator's wife, Mrs. Earl Leverich of Sparta, Wisconsin.

Senator Dorman announced the presence of a group of sister students from the Dominican College at Racine, Wisconsin, accompanied by their teacher, Sister Agnes Claire.

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**Upon motion of Senator Knowles, the senate adjourned until 9:00 o'clock Friday morning, June 3rd, 1966.**