

JOURNAL OF THE ASSEMBLY [February 5, 1969]

STATE OF WISCONSIN

Assembly Journal

Seventy-Ninth Regular Session

WEDNESDAY, February 5, 1969.

9:30 A.M.

The assembly met.

The speaker in the chair.

The prayer was offered by Rev. Albert F. Harke, Lakeview Moravian Community Church, 3550 Dennet Drive, Madison, Wis.

Assemblyman L. H. Johnson led the membership in reciting the pledge of allegiance to the flag of the United States.

The roll was taken.

The result follows:

Present—Alberts, Alfonsi, Anderson, Atkinson, Azim, Baldus, Barbee, Belting, Blanchard, Boche, Bock, Boeckmann, Bolle, Bradley, Brown, Byers, Conradt, Conta, Czerwinski, Day, Dueholm, Gee, Greider, Groshek, Grover, Hanna, Helgeson, Hephner, Huber, Hutnik, Jackson, Johnson L. H., Johnson W. A., Jones, Kafka, Kenyon, Kessler, Kleczka, Klicka, Korpela, LaFave, Laper, Lewison, Lipscomb, Looby, Luckhardt, Lynn, McCormick, McDougal, McEssy, Martin, Mathews, Mato, Merkel, Mittness, Molinaro, Nager, Nikolay, Nitschke, Nuttelman, Obey, Olson, O'Malley, Orlich, Otte, Pabst, Packard, Parkin, Parys, Peloquin, Quinn, Radcliffe, Rogers, Sanasarian, Schneeberg, Schowalter, Schroeder, Schwefel, Sensenbrenner, Shabaz, Sicula, Stack, Stalbaum, Steinhilber, Sweda, T a m m s, Thompson, Tobiasz, Tregoning, Uehling, Vanderperren, Van Hollen, Wackett, Warren, Weisensel, Wilcox, Wilger, Wing, York and Mr. Speaker—100.

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AMENDMENTS OFFERED

Substitute amendment 2, to Assembly Resolution 18, offered by Assemblyman Barbee.

Assembly amendment 2, to Assembly Bill 16, offered by Assemblyman Bradley.

Assembly amendment 1 to Assembly Bill 5, offered by Assemblymen Kessler and Steinhilber, by request of Milwaukee County.

INTRODUCTION AND REFERENCE OF
JOINT RESOLUTIONS

Read first time and referred :

Assembly Joint Resolution 13.

By Assemblymen Kenyon, Nikolay and Steinhilber.
To committee on Elections.

INTRODUCTION AND REFERENCE OF BILLS

Read first time and referred :

Assembly Bill 159

By Assemblyman Conta; co-sponsored by Senator Soik, by request of C. A. Brussat of Imperial Lithographing Corporation.

To committee on Printing.

Assembly Bill 160

By Assemblymen Pabst, Jackson, Kleczka and McCormick.

To committee on State Affairs.

Assembly Bill 161

By Assemblyman Nager.

To joint Survey committee on Tax Exemptions.

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Assembly Bill 162

By Assemblymen Merkel and Martin; co-sponsored by Senator Dempsey, by request of Richard Rechlicz.

To committee on Education.

Assembly Bill 163

By Assemblymen Mittenss, Anderson, Uehling, Merkel, Martin, Huber, Bolle, Orlich, Dueholm, Radcliffe, Peloquin, Nager, Sanasarian, Conta, Czerwinski, Stack, Barbee, Kessler, Boeckmann, Otte, Wilger, Byers, LaFave, Hutnik, Wing, Schwefel and Nikolay.

To committee on Agriculture.

Assembly Bill 164

By Assemblyman Kleczka, by request of Supervisor Richard C. Nowakowski.

To committee on State Affairs.

Assembly Bill 165

By Assemblymen Mittness, Bolle, Korpela, Otte, O'Malley, Lipscomb, Sanasarian and Radcliffe.

To committee on Highways.

Assembly Bill 166

By Assemblymen Mittness, Molinaro, Otte and Bolle.

To committee on Public Welfare.

Assembly Bill 167

By Assemblymen Mittness, Brown, Day, Otte, Vanderperren, Bolle, Sanasarian and Jackson.

To committee on Transportation.

Assembly Bill 168

By Assemblymen Groshek and Day.

To committee on Highways.

Assembly Bill 169

By Assemblyman Barbee.

To committee on Elections.

Action on the Calendar of January 30, 1969, was held in abeyance.

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CALENDAR OF JANUARY 31, 1969
CONSIDERATION OF RESOLUTIONS

Assembly Resolution 16

To permit a member to refrain from voting because of a private interest.

The question was: Shall Assembly Amendment 1 be adopted?

Motion carried.

The question was: Adoption?

Assemblyman Azim moved that **Assembly Resolution 16** be rejected.

The question was: Rejection?

Assemblyman Anderson asked unanimous consent that **Assembly Resolution 16** be laid on the table. Granted.

Assembly Resolution 18

Relating to the actions of President Guiles in the recent Oshkosh disturbances.

The question was: Shall Substitute Amendment 2 to **Assembly Resolution 18** be adopted?

POINT OF ORDER

Assemblyman Alfonsi rose to point of order that under joint rule 55 substitute amendment 2, was not germane to **Assembly Resolution 18**.

RULING OF THE CHAIR ON POINT OF ORDER

The chair ruled that the point of order raised by Assemblyman Alfonsi was well taken in that substitute amendment 2 was indeed not germane to **Assembly Resolution 18**.

Assemblyman Barbee appealed the ruling of the chair.

The question was: Shall the ruling of the chair stand as the judgment of the assembly?

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The roll was taken.

The vote follows:

Ayes—Alberts, Alfonsi, Anderson, Atkinson, Azim, Belting, Blanchard, Boche, Bock, Bolle, Bradley, Byers, Conratt, Day, Gee, Greider, Groshek, Hanna, Helgeson, Hutnik, Jackson, Johnson L. H., Kafka, Kenyon, Kleczka, Klicka, Korpela, LaFave, Laper, Lewison, Luckhardt, Lynn, McDougal, McEssy, Martin, Matthews, Merkel, Mittness, Nitschke, Nuttelman, Obey, Olson, O'Malley, Packard, Parkin, Quinn, Schneeberg, Schowalter, Schroeder, Schwefel, Sensenbrenner, Shabaz, Stack, Stalbaum, Steinhilber, Sweda, Tamms, Thompson, Tregoning, Uehling, Vanderperren, Van Hollen, Wackett, Weisensel, Wilcox, Wilger, Wing, York and Mr. Speaker—69.

Noes—Baldus, Barbee, Boeckmann, Conta, Czerwinski, Dueholm, Grover, Hephner, Huber, Johnson W. A., Jones, Kessler, Lipscomb, Looby, McCormick, Mato, Molinaro, Nager, Nikolay, Orlich, Otte, Pabst, Parys, Peloquin, Radcliffe, Rogers, Sanasarian, Sicula and Tobiasz—29.

Absent or not voting—Brown and Warren—2.

Motion carried.

Assemblyman Hutnik in the chair.

The question was: Shall Assembly substitute amendment 1 be adopted?

Assemblyman Steinhilber moved that substitute amendment 1 be rejected.

The question was: Shall assembly substitute amendment 1 be rejected?

The roll was taken.

The vote follows:

Ayes—Alberts, Alfonsi, Azim, Barbee, Belting, Blanchard, Boche, Bock, Boeckmann, Bradley, Byers, Conratt, Day, Gee, Greider, Hanna, Helgeson, Hutnik, Jackson, Johnson L. H., Kafka, Klicka, LaFave, Laper, Lewison, Luckhardt, McDougal, McEssy, Martin, Merkel, Nager, Nitschke, Nuttelman, Olson, Packard, Parkin, Quinn, Schneeberg, Schowalter, Schroeder, Schwefel, Sensenbrenner, Shabaz, Stalbaum, Steinhilber, Tamms, Thompson, Tregoning, Uehling, Van Hollen, Wackett, Weisensel, Wilcox, Wilger, Wing, York and Mr. Speaker—57.

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Noes—Anderson, Atkinson, Baldus, Bolle, Brown, Conta, Czerwinski, Dueholm, Groshek, Grover, Hephner, Huber, Johnson W. A., Jones, Kessler, Kleczka, Korpela, Lipscomb, Looby, Lynn, McCormick, Mathews, Mato, Mittness, Molinaro, Nikolay, Obey, O'Malley, Orlich, Otte, Pabst, Parys, Peloquin, Radcliffe, Rogers, Sanasarian, Sicula, Stack, Sweda, Tobiasz, Vanderperren and Warren—42.

Absent or not voting—Kenyon—1.

Motion carried.

Assembly Resolution 18

The question was: Shall Assembly Resolution 18 be adopted?

Assemblyman Dueholm moved that Assembly Resolution 18 be rejected.

The question was: Rejection?

Assemblyman Dueholm requested a roll call.

There were sufficient seconds.

The roll was taken.

The vote follows:

Ayes—Anderson, Atkinson, Baldus, Barbee, Bolle, Brown, Conta, Czerwinski, Day, Dueholm, Groshek, Huber, Johnson W. A., Jones, Kessler, Kleczka, Korpela, LaFave, Lipscomb, Looby, Lynn, McCormick, Mathews, Mato, Mittness, Molinaro, Nager, Nikolay, Obey, O'Malley, Orlich, Otte, Parys, Peloquin, Rogers, Sanasarian, Sicula, Stack, Tobiasz, Vanderperren and Warren—41.

Noes—Alberts, Alfonsi, Azim, Belting, Blanchard, Boche, Bock, Boeckmann, Bradley, Byers, Conradt, Gee, Greider, Grover, Hanna, Helgeson, Hephner, Hutnik, Jackson, Johnson L. H., Kafka, Klicka, Laper, Lewison, Luckhardt, McDougal, McEssy, Martin, Merkel, Nitschke, Nuttelman, Olson, Pabst, Packard, Parkin, Quinn, Radcliffe, Schneeberg, Schowalter, Schroeder, Schwefel, Sensenbrenner, Shabaz, Stalbaum, Steinhilber, Sweda, Tamms, Thompson, Tregoning, Uehling, Van Hollen, Wackett, Weisensel, Wilcox, Wilger, Wing, York and Mr. Speaker—58.

Absent or not voting—Kenyon—1.

Motion failed

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The question was: Shall **Assembly Resolution 18** be adopted?

The roll was taken.

The vote follows:

Ayes—Alberts, Alfonsi, Atkinson, Azim, Baldus, Belting, Blanchard, Boche, Bock, Boeckmann, Bradley, Byers, Conradt, Gee, Greider, Grover, Hanna, Helgeson, Hephner, Hutnik, Jackson, Johnson L. H., Kafka, Kleczka, Klicka, Laper, Lewison, Luckhardt, Lynn, McDougal, McEssy, Martin, Mathews, Mato, Merkel, Nitschke, Nuttelman, Olson, Pabst, Packard, Parkin, Quinn, Radcliffe, Schneeberg, Schowalter, Schroeder, Schwefel, Sensenbrenner, Shabaz, Stalbaum, Steinhilber, Sweda, Tamms, Thompson, Tregoning, Uehling, Vanderperren, Van Hollen, Wackett, Weisen- sel, Wilcox, Wilger, Wing, York and Mr. Speaker—65.

Noes—Anderson, Barbee, Bolle, Brown, Conta, Czerwin- ski, Day, Dueholm, Groshek, Huber, Johnson W. A., Jones, Kessler, Korpela, LaFave, Lipscomb, Looby, McCormick, Mittness, Molinaro, Nager, Nikolay, Obey, O'Malley, Orlich, Otte, Parys, Peloquin, Rogers, Sanasarian, Sicula, Stack, Tobiasz and Warren—34.

Absent or not voting—Kenyon—1.

Motion carried.

RESOLUTIONS

Assembly Resolution 17

By committee on State Affairs.

Referred to committee on State Affairs.

Relating to a study of the Assembly committee on State Affairs of the nature and extent of the use of psychotoxic drugs and substances.

Whereas, the Wisconsin Assembly committee on State Affairs has conducted a study authorized by **Senate Joint Resolution 97, 1967**, of the nature and extent of the use of psychotoxic drugs and substances; and

Whereas, the committee, in the course of that study has received information which indicates that the phenomenon of the use of psychotoxic drugs and substances including particularly marijuana is present among the young people

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of the state, including reported instances of such use among high school age and grade school age youth; and that there are indications that such use among the several age groups may be increasing; and

Whereas, it is the recommendation of the Assembly committee on State Affairs of the 1967 legislature that the study be continued and concluded by the Assembly committee on State Affairs of the 1969 legislature; and

Whereas, the statutes of Wisconsin declare that the use of certain psychotoxic substances is unlawful; and the use of such drugs and substances may constitute a serious health danger; and

Whereas, a substantial amount of speculative and uncorroborated information is circulated which may mislead and misinform the people of the state as to the extent and nature of the danger involved in the use of psychotoxic drugs and particularly marijuana; and

Whereas, the use of drugs including marijuana is a matter of the greatest concern, affecting the health of the people of the state as well as a serious law-enforcement problem; now, therefore, be it

Resolved by the Assembly, That the Assembly committee on State Affairs shall conduct an investigation of the nature and extent of the use of psychotoxic drugs and substances within the state of Wisconsin; and particularly, without limitation because of enumeration:

(1) Consider the nature of psychotoxic drugs and substances,

(2) Review the functions and responsibilities of the several state departments and agencies in regard to the general question and regarding drug education and law enforcement.

(3) Determine the nature and extent of the use of particular psychotoxic substances,

(4) Determine the danger to the public health which the use of particular psychotoxic substances may constitute,

(5) Review existing legislation and education programs to determine their effects and adequacy,

(6) Propose such legislation (if any) and educational programs (if any) which may be appropriate in the context of the findings of the committee; and be it further

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Resolved, That the Assembly committee on State Affairs shall conduct such public hearings in such parts of the state as is determined by the chairman; and, be it further

Resolved, That the Assembly committee on State Affairs shall complete its investigation and submit its final report to the legislature no later than January 5, 1970, and that the necessary professional staff for the committee be provided by Legislative Council staff under Section 13.91 of the statutes.

Assembly Resolution 18

Relating to the actions of President Guiles in the recent Oshkosh disturbances.

Whereas, on November 21, 1968, the office of the president of Oshkosh state university and the administrative offices of the university were invaded and damaged by a group of students to such an extent that the police were called in and warned the students that "This is an illegal assembly and you are ordered to disperse"; and

Whereas, the students refused to disperse and caused over \$12,000 damage to this institution which since 1871 has served this state imparting knowledge to its students in the great tradition of academic freedom; and

Whereas, over 100 students were arrested and on November 22, 1968, President Roger E. Guiles of Oshkosh state university suspended 96 of these students; and

Whereas, the courage of President Guiles' convictions were to be tested over the next few months as he faced criticism and pressure of an unexpected magnitude; and

Whereas, President Guiles' actions were vindicated by the result of the hearings conducted by an impartial fact finder hired by the state universities; and

Whereas, on December 20, 1968, as a result of these hearings the board of regents of state universities expelled 90 of the students that participated in these unlawful disturbances; now, therefore, be it

Resolved by the assembly, That the actions of the president of Oshkosh state university, Roger E. Guiles, are to be commended rather than condemned because steadfast courage in handling illegal disturbances is necessary for all of the citizens of this state to maintain their basic freedoms; and, be it further

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Resolved, That the board of regents of the state universities be commended for upholding the actions of President Guiles and giving him official support.

Co-authors to **Assembly Resolution 18**, in addition to those shown on page 108 of the assembly journal, include the following: Assemblymen Greider, Klicka, Merkel, Wing, Wilger, Schroeder, Blanchard, Luckhardt, Schneeberg, Helgeson, Lewison, Laper, Bock, Alberts, Nuttelman, Thompson, Tamms, Schowalter and Schwefel.

Assemblyman Anderson asked unanimous consent that **Assembly Resolution 16** be withdrawn from the table and taken up at this time. Granted.

Assembly Resolution 16

To create assembly rule 77m to permit member to refrain from voting because of a private interest.

The question was: Shall **Assembly Resolution 16** be adopted?

Assemblyman Anderson offered an amendment. Entered.

The question was: Shall assembly amendment 2 be adopted?

Motion carried.

The question was: Shall **Assembly Resolution 16** be adopted?

Assemblyman Martin moved that **Assembly Resolution 16** be rejected.

The question was: Shall **Assembly Resolution 16** be rejected?

The roll was taken.

The vote follows:

Ayes—Azim, Belting, Blanchard, Boche, Bock, Bradley, Byers, Conradt, Gee, Greider, Helgeson, Hutnik, Johnson L. H., Kafka, Kleczka, Klicka, LaFave, Lipscomb, Luckhardt, Martin, Merkel, Nitschke, Olson, Packard, Parkin, Parys, Sanasarian, Schneeberg, Schowalter, Schroeder, Shabaz, Stack, Stalbaum, Steinhilber, Thompson, Tregoning, Van Hollen, Wackett, Weisensel, Wilcox, Wilger and Wing
—42.

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Noes—Alberts, Alfonsi, Anderson, Atkinson, Baldus, Barbee, Boeckmann, Bolle, Brown, Conta, Czerwinski, Day, Dueholm, Groshek, Grover, Hanna, Hephner, Huber, Jackson, Johnson W. A., Jones, Kessler, Korpela, Laper, Lewison, Looby, Lynn, McCormick, McDougal, McEssy, Mathews, Mato, Mittness, Molinaro, Nager, Nikolay, Nuttelman, Obey, O'Malley, Orlich, Otte, Pabst, Peloquin, Quinn, Radcliffe, Rogers, Schwefel, Sensenbrenner, Sicula, Sweda, Tamms, Tobiasz, Uehling, Vanderperren, Warren, York and Mr. Speaker—57.

Absent or not voting—Kenyon—1.

Motion failed.

The speaker in the chair.

The question was: Shall Assembly Resolution 16 be adopted?

The roll was taken.

The vote follows:

Ayes—Alberts, Alfonsi, Anderson, Atkinson, Baldus, Barbee, Boche, Boeckmann, Bolle, Brown, Conta, Czerwinski, Day, Dueholm, Gee, Groshek, Grover, Hanna, Huber, Jackson, Johnson W. A., Jones, Kafka, Kessler, Korpela, Laper, Lewison, Lipscomb, Looby, Lynn, McCormick, McDougal, McEssy, Mathews, Mato, Mittness, Molinaro, Nager, Nikolay, Nuttelman, Obey, O'Malley, Orlich, Otte, Parys, Peloquin, Quinn, Radcliffe, Rogers, Sanasarian, Schwefel, Sensenbrenner, Sicula, Stack, Sweda, Tamms, Thompson, Tobiasz, Uehling, Vanderperren, Warren, Weisensel, Wilcox, Wilger, York and Mr. Speaker—66.

Noes—Azim, Belting, Blanchard, Bock, Bradley, Byers, Conratt, Greider, Helgeson, Hephner, Hutnik, Johnson L. H., Kleczka, Klicka, LaFave, Luckhardt, Martin, Merkel, Nitschke, Olson, Pabst, Packard, Parkin, Schneeberg, Schowalter, Schroeder, Shabaz, Stalbaum, Steinhilber, Tregoning, Van Hollen, Wackett and Wing—33.

Absent or not voting—Kenyon—1.

Motion carried.

Assemblyman Alfonsi asked that the calendar of January 30, 1969, be taken up at this time. Granted.

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CALENDAR OF JANUARY 30, 1969

SECOND READING AND AMENDMENT OF
ASSEMBLY BILLS

Assembly Bill 16

Relating to an identification emblem on certain slow moving vehicles and granting rule-making authority.

The question was: Shall Assembly Amendment 1, be adopted?

Motion carried.

Assemblyman Sweda asked unanimous consent that **Assembly Bill 16** be withdrawn from the calendar of January 30th, and be placed on the calendar of February 6th. Granted.

Assembly Bill 42

Relating to providing an additional penalty for committing or attempting to commit a felony while armed with a dangerous weapon.

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

Assemblyman Alfonsi asked unanimous consent that **Assembly Bill 42** be referred to committee on Judiciary. Granted.

Assemblyman Kenyon requested that he be recorded as voting, "Aye" on adoption of **Assembly Resolution 18**, had he been present. Granted.

VISITORS

During today's session, the following visitors honored the assembly by their presence, and were welcomed by the presiding officer and the members:

The Ralph Schlosser family from Menomonie, Wis. and George Mesa, the AFS representative at Durand High School from the Philippine Islands, guests of Assemblyman Baldus.

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Roger Fiebig from La Crosse, Wis. guest of Assemblyman Nuttelman.

Bruce Barnes, student from Bayside and Jack Siegel, student from Fox Point, Wis., guests of the entire assembly.

Assemblyman Alfonsi moved that the assembly adjourn to 9:00 A.M. Thursday, February 6, 1969.

Motion carried.

12:15 P.M.

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ERRATA AND ADDENDA

Note is made of the following amendments and addenda which bring the text into conformity with the official records of the assembly and senate, correcting major clerical and printer's omissions.

Matters NOT pertaining to a bill, resolution or petition.

Certification of members elected to the assembly on November 5, 1968 (page 14), "Robert C. Zimmermann" should be "Robert C. Zimmerman".

Speaker's ruling on Point of Order (page 34), last full line, "Committee" should be "Committee".

Attendance roll call (page 89), 5th line from bottom in names of those present: "Hogers" should be "Rogers".

Visitors, top of page 149: "La Croesse" should be "La Crosse".

Communication on page 174, next to last word, 2nd line, "indecas" should be "indices".

Attorney General's opinion (commencing on page 186) 4th word, 4th line, last paragraph, page 188, "publis" should be "public".

Second item of Visitors, page 370, last word, 2nd line, "Conte" should be "Conta".

Continuation of Visitors, page 390, 8th item from top, "Boeckman" should be "Boeckmann". Same correction, page 503, 4th item from top, continuation of Visitors.

Page 631, in request for extension of recess to 45 minutes by the Minority Floor Leader, preceding "11:00 A.M.", "recesse" should be "recess".

In Motion under Joint Rule 26, commencing on page 742, 2nd line in continuation thereof, paragraph commencing on line 743, 8th word "ays" should be "days".