

JOURNAL OF THE SENATE [June 27, 1969]

STATE OF WISCONSIN

Senate Journal

Seventy-Ninth Session

FRIDAY, June 27, 1969.

9:00 o'clock A.M.

The senate met.

The senate was called to order by the president pro tempore.

Prayer was offered by Reverend Joseph Washington, Retired Baptist Minister, Madison.

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

Senators Busby, Chilsen, Dempsey, Devitt, Dorman, Draheim, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik, Terry, Thompson and Whittow—29.

Absent—None.

Absent with leave—Senators Cirilli, Panzer and Swan—3.

INTRODUCTION OF AMENDMENTS

Senate amendment 2 to senate substitute amendment 2 to Senate Bill 124 offered by Senators Krueger and Whittow.

Senate amendment 3 to Senate Bill 363 offered by Senator Whittow.

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INTRODUCTION OF RESOLUTIONS

Senate Resolution 17

Requesting an opinion of the attorney general on both the constitutionality and practicality of enforcement of senate substitute amendment 1 to **Senate Bill 121**, relating to obscene materials.

Resolved by the senate, That the attorney general is requested to provide an opinion as expeditiously as possible as to the constitutionality of senate substitute amendment 1, which relates to preventing the publication, sale, exhibition and distribution of obscene materials and creates a procedure for the arrest of persons possessing such materials; and, be it further

Resolved, That the attorney general is further respectfully requested to furnish to the senate his opinion on the practicality of enforcement of the law established by said proposal.

By Senators Risser, Soik and Schreiber.

Read.

Senator Devitt moved rejection.

The question was: Shall the senate reject **Senate Resolution 17**?

The ayes and noes were demanded and the vote was: ayes, 9; noes, 18; absent or not voting, 5; as follows:

Ayes—Senators Chilsen, Devitt, Heinzen, Hollander, Johnson, Keppler, Lotto, Lourigan and McParland—9.

Noes—Senators Busby, Dempsey, Kendziorski, Knowles, Knutson, Krueger, LaFave, Lorge, Meunier, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik, Terry, Thompson and Whittow—18.

Absent or not voting—Senators Cirilli, Dorman, Draheim, Panzer and Swan—5.

So the motion to reject did not prevail.

Senate Resolution 17 adopted.

Senate Joint Resolution 72

A joint resolution relating to the public service of **Harry W. Harder**.

By Entire Membership of the Senate.

Read and adopted.

Ordered immediately messaged to the assembly.

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INTRODUCTION OF BILLS

Senate Bill 604

Relating to conforming state civil service veterans preference to federal laws.

By Senator Lorge.

Read first time.

To committee on Governmental and Veterans' Affairs.

Senate Bill 605

Relating to funding for the construction of highways.

By Senators LaFave, Keppler, Kendzioriski, Knowles, Devitt, Swan, Cirilli, Schuele, Meunier, Draheim and Roseleip; co-sponsored by Assemblymen Quinn, Froehlich, McDougal, Conratt, Belting, McEssy, Hutnik, Lewison, Schowalter, Otte and Boeckmann.

Read first time.

To committee on Highways.

PETITIONS AND COMMUNICATIONS

Senate Petition 397

A petition by 32 citizens of Wisconsin requesting passage of the Senate Humane Trapping Proposal.

By Senator Roseleip.

To committee on Public Welfare.

Senate Petition 398

A petition by 32 citizens of Wisconsin favoring the "Implied Consent" proposal, and encouraging the Legislature to enact it into law.

By Senator Roseleip.

To committee on Highways.

Senate Petition 399

A petition by 38 citizens of Ozaukee County stating their support for Senate Bill 331 and their opposition to Senate Bills 30, 56, and 226.

By Senator Keppler.

To committee on Public Welfare.

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Senate Petition 400

A petition by 187 citizens of Wisconsin favoring a law that would exempt municipal and volunteer Fire Departments from paying a sales tax on property or tickets sold when they are putting on a function that is for the best interests of their department.

By Senator Roseleip.

To joint committee on Finance.

Senate Petition 401

A petition by 233 citizens of the State of Wisconsin requesting that the 1969 Legislature look favorably upon Senate Bill 222, which would restore 35% of the Liquor Tax to the Veterans Trust Fund.

By Senator Roseleip.

To committee on Governmental and Veterans' Affairs.

Senate Petition 402

A petition by 725 residents of the Second Senatorial District supporting Senate Bill 346.

By Senator Lotto.

To committee on Education.

COMMITTEE REPORTS

The committee on Conservation reports and recommends:

The appointment by the Governor of Stanton P. Helland, of Wisconsin Dells, as a member of the Natural Resources Board, to succeed Arthur R. MacArthur, Janesville, to serve for the term ending May 1, 1975.

Confirmation; Ayes, 5; Noes, 0.

The appointment by the Governor of Roger C. Minahan, of Milwaukee, as a member of the Natural Resources Board, to succeed Russell G. Lynch, Wauwatosa, to serve for the term ending May 1, 1975.

Confirmation; Ayes, 5; Noes, 0.

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The appointment by the Governor of Richard A. Stearn, of Sturgeon Bay, as a member of the Natural Resources Board, to succeed Charles F. Smith, Sr., Wausau, to serve for the term ending May 1, 1975.

Confirmation; Ayes, 5; Noes, 0.

CLIFFORD W. KRUEGER,
Chairman.

The committee on Judiciary reports and recommends:

Senate Joint Resolution 62

Memorializing the Congress of the U.S. to reject the proposal for deployment of an antiballistic missile system.

Rejection; Ayes, 4; Noes, 1.

Senate Bill 427

Relating to appointment of a circuit court commissioner by a circuit judge during his last retirement term in office.

Indefinite postponement; Ayes, 5; Noes, 0.

Senate Bill 438

Relating to the courts discretion in appointing a guardian ad litem and the capacity of minors to enter into settlement agreements in paternity cases.

Indefinite postponement; Ayes, 5; Noes, 0.

Senate Bill 459

Creating a crime information bureau in the crime laboratory division for the purpose of maintaining criminal identification and statistical records and making an appropriation.

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

Senate Bill 528

Relating to petitions by guardians for the removal of assets to presently existing trusts.

Passage; Ayes, 4; Noes, 1.

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Senate Bill 530

Relating to establishing a law enforcement standards board, renaming the crime laboratory division to be the division of law enforcement services and providing for a state law enforcement training academy in the dept. of justice, granting rule-making authority and making appropriations.

Adoption of senate amendment 2; Ayes, 5; Noes, 0 and passage as amended; Ayes, 5; Noes, 0.

Assembly Bill 14

Relating to the jurisdiction of civil and criminal courts over children for traffic violations.

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

Assembly Bill 19

Relating to mechanic's liens.
Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 200

Relating to unsolicited merchandise.
Concurrence; Ayes, 5; Noes, 0.

Assembly Bill 201

Relating to unsolicited merchandise.
Nonconcurrence; Ayes, 5; Noes, 0.

ALLEN J. BUSBY,
Chairman.

MOTIONS

Senate Joint Resolution 4

Relating to the composition of the legislature.
Read.

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Senator Lorge moved to withdraw the resolution from the joint committee on Finance and place it on the calendar.

Upon motion of Senator Schreiber, the senate recessed for five minutes.

RECESS

President pro tempore in the chair.

The question was: Shall **Senate Joint Resolution 4** be withdrawn from the joint committee on Finance and placed on the calendar?

The ayes and noes were demanded and the vote was: ayes, 11; noes, 19; absent or not voting, 2; as follows:

Ayes—Senators Busby, Dempsey, Heinzen, Johnson, Knutson, Krueger, Lorge, Lotto, Meunier, Roseleip and Swan—11.

Noes—Senators Chilsen, Devitt, Dorman, Draheim, Hollander, Kendziorski, Keppler, Knowles, LaFave, Lourigan, McParland, Rasmusen, Risser, Schreiber, Schuele, Soik, Terry, Thompson and Whittow—19.

Absent or not voting—Senators Cirilli and Panzer—2.

So the motion did not prevail.

Senate Bill 71

Relating to lowering the voting age from 21 to 18, and providing for a referendum.

Senator Schreiber moved the bill be withdrawn from the committee on Governmental and Veterans' Affairs and placed on the calendar.

Senator Hollander in the chair.

The question was: Shall the bill be withdrawn from the committee on Governmental and Veterans' Affairs and placed on the calendar?

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The ayes and noes were required and the vote was: ayes, 5; noes, 25; absent or not voting, 2; as follows:

Ayes—Senators Busby, Lourigan, Risser, Schreiber and Thompson—5.

Noes—Senators Chilsen, Dempsey, Devitt, Dorman, Draheim, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, McParland, Meunier, Rasmusen, Roseleip, Schuele, Soik, Swan, Terry and Whittow—25.

Absent or not voting—Senators Cirilli and Panzer—2.

So the motion did not prevail.

Senate Bill 326

Relating to the rights of children born by means of artificial insemination.

Senator Dorman objected to further laying aside the motion to reconsider the vote by which the bill was passed.

The question was: Shall the vote by which the bill was passed be reconsidered?

The ayes and noes were demanded and the vote was: ayes, 12; noes, 18; absent or not voting, 2; as follows:

Ayes—Senators Busby, Chilsen, Dempsey, Devitt, Heinzen, Hollander, Johnson, Knutson, Lorge, Lourigan, Roseleip and Terry—12.

Noes—Senators Dorman, Draheim, Kendziorski, Keppler, Knowles, Krueger, LaFave, Lotto, McParland, Meunier, Rasmusen, Risser, Schreiber, Schuele, Soik, Swan, Thompson and Whittow—18.

Absent or not voting—Senators Cirilli and Panzer—2

So the motion did not prevail.

Upon motion of Senator Keppler, with unanimous consent, the appointments by the Governor of Kieran Powers of Lyndon Station, as a member of the Board of Agriculture, effective June 2, 1969, to succeed Russell McCarthy, Cottage Grove, to serve for the term ending May 1, 1975, and

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Henry Drees of Peshtigo, as a member of the Board of Agriculture, effective June 2, 1969, to succeed James Nolan, Marion, to serve for the term ending May 1, 1975, were considered at this time en masse.

The question was: Shall the appointments by the Governor be confirmed?

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

Ayes—Senators Busby, Chilsen, Dempsey, Devitt, Dorman, Draheim, Heinzen, Hollander, Johnson, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik, Swan, Terry, Thompson and Whitow—30.

Noes—None.

Absent or not voting—Senators Cirilli and Panzer—2.

So the appointments were confirmed.

Upon motion of Senator Keppler, with unanimous consent, the appointments by the Governor of Stanton P. Heland of Wisconsin Dells, as a member of the Natural Resources Board, to succeed Arthur R. MacArthur, Janesville, to serve for the term ending May 1, 1975, and

Richard A. Stearn of Sturgeon Bay, as a member of the Natural Resources Board, to succeed Charles F. Smith, Sr., Wausau, to serve for the term ending May 1, 1975, were considered at this time en masse.

The question was: Shall the appointments by the Governor be confirmed?

The ayes and noes were required and the vote was: ayes, 24; noes, 6; absent or not voting, 2; as follows:

Ayes—Senators Busby, Chilsen, Dempsey, Devitt, Draheim, Heinzen, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, Meunier, Rasmusen, Roseleip, Schuele, Soik, Swan, Terry and Whitow—24.

Noes—Senators Dorman, Kendziorski, McParland, Risser, Schreiber and Thompson—6.

Absent or not voting—Senators Cirilli and Panzer—2.

So the appointments were confirmed.

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Upon motion of Senator Keppler the senate recessed until 1:30 P.M.

RECESS

1:30 P.M.

President pro tempore in the chair.

Senate Bill 524

To appropriate to the American Legion \$4,000 for the costs of attracting the 1968 American Legion Convention to Milwaukee and to appropriate from the American Legion Convention fund the balance of \$46,000 to the U.S. Aerospace Exposition/Milwaukee, Inc.

Read a second time.

Upon motion of Senator Keppler, with unanimous consent, the bill was considered at this time.

Senator Chilsen moved indefinite postponement of the bill.

The question was: Shall the bill be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 7; noes, 22; absent or not voting, 3; as follows:

Ayes—Senators Chilsen, Dempsey, Hollander, Johnson, Knutson, Krueger and Swan—7.

Noes—Senators Busby, Devitt, Dorman, Draheim, Heinzen, Kendziorski, Keppler, Knowles, LaFave, Lorge, Lotto, Lourigan, McParland, Meunier, Rasmusen, Risser, Roseleip, Schreiber, Schuele, Soik, Thompson and Whittow—22.

Absent or not voting—Senators Cirilli, Panzer and Terry—3.

So the motion did not prevail.

Senate amendment 1 offered by Senator Johnson.

Senator Dorman moved rejection of the amendment.

The question was: Shall the senate reject senate amendment 1 to **Senate Bill 524**?

The ayes and noes were demanded and the vote was: ayes, 12; noes, 18; absent or not voting, 2; as follows:

Ayes—Senators Busby, Devitt, Dorman, Draheim, Hein-

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zen, Kendziorski, McParland, Roseleip, Schreiber, Schuele, Thompson and Whittow—12.

Noes—Senators Chilsen, Dempsey, Hollander, Johnson, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Lotto, Lourigan, Meunier, Rasmusen, Risser, Soik, Swan and Terry—18.

Absent or not voting—Senators Cirilli and Panzer—2.

So the motion to reject did not prevail.

Senate amendment 1 was adopted.

Senator Chilsen moved indefinite postponement of Senate Bill 524.

Upon motion of Senators Lorge, LaFave, Terry, Soik and Rasmusen, with unanimous consent, their names were withdrawn as authors of Senate Bill 524.

Senator Hollander in the chair.

Upon motion of Senator Kendziorski the senate recessed for five minutes.

RECESS

2:45 P.M.

Senate Bill 524

Upon motion of Senator Devitt, with unanimous consent, the bill was placed at the foot of the May 28th calendar.

CALENDAR OF MAY 22nd

Senate Bill 121

Relating to preventing the publication, sale, exhibition, and distribution of obscene materials and creating a procedure for the arrest of persons possessing such materials, providing a penalty, and making an appropriation.

Read a second time.

Senator Schreiber moved the bill be referred to the committee on Judiciary.

The question was: Shall the bill be referred to the committee on Judiciary?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 13; absent or not voting, 5; as follows:

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Ayes—Senators Dempsey, Dorman, Draheim, Kendzior-ski, Knutson, Krueger, Rasmusen, R i s s e r, Schreiber, Schuele, Swan, Terry, Thompson and Whittow—14.

Noes—Senators Busby, Chilsen, Devitt, Heinzen, Hol-lander, Johnson, Keppler, Lorge, Lotto, Lourigan, Meunier, Roseleip and Soik—13.

Absent or not voting—Senators Cirilli, Knowles, LaFave, McParland and Panzer—5.

So the motion prevailed.

Senate Bill 189

Relating to legal counsel for school boards in joint city school districts.

Read a second time.

The bill was indefinitely postponed.

Senate Bill 241

Relating to criminal penalties for causing, attempting to cause or participating in unlawful assemblies at public in-stitutions of higher education.

Read a second time.

Senate substitute amendment 1 was adopted.

The bill was ordered to a third reading.

Upon motion of Senator Johnson, with unanimous con-sent, the bill was considered for final action at this time.

Senate Bill 241

Was read a third time and passed.

Senate Bill 404

Authorizing the city of Madison to use an additional area, therein described, of Lake Monona for the projection of a public building.

Read a second time.

Senate amendment 1 was adopted.

The bill was ordered to a third reading.

Upon motion of Senator Keppler, with unanimous con-sent, the bill was considered for final action at this time.

Senate Bill 404

Was read a third time and passed.

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Senate Bill 408

Relating to deletion of intent as a prerequisite to being cruel to animals in a criminal proceeding.

Read a second time.

Senator Dorman raised the point of order as to the germaneness of senate amendment 1.

The chair ruled the point not well taken.

Senator Chilsen renewed the point of order raised by Senator Dorman as to the germaneness of senate amendment 1.

The chair took the matter under advisement.

Senate Bill 425

Relating to cooperative agreements with counties to advertise Wisconsin, and making an appropriation.

Read a second time.

Upon motion of Senator Krueger, with unanimous consent, the bill was referred to the joint committee on Finance.

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

MOTIONS UNDER JOINT RULE 26

The State of Wisconsin * * * Citation by the Legislature

Know you by these presents:

Whereas, Allen Wittkopf, of Florence, Wisconsin, has for 30 years been the titular leader of the Republican party in Florence county; and

Whereas, Mr. Wittkopf has been an active civic leader, businessman and attorney; and

Whereas, his public service has included service as a district attorney; and

Whereas, he has been an active outdoorsman and a promoter of economic growth and champion of underprivileged in Florence county for these years; and

Whereas, Florence county is honoring Mr. Wittkopf on June 29; now, therefore,

The Members of the Wisconsin Legislature, on the motion of Senator LaFave and Assemblyman LaFave, under Joint

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Rule 26, join with Florence county in extending their sincere appreciation to Mr. Wittkopf on his public service.

Read and adopted.

The State of Wisconsin * * * Citation by the Senate

Know you by these presents:

Whereas, her gentle patience in the face of appointments missed, and great meals grown cold; her forbearance of criticism for delays from meeting the night's last roll calls; her forgiveness of the wandering foot and eye; and

Whereas, her services to the State as Board Member of the American Cancer Society, and longtime worker for her Political Party further endear her; now, therefore,

The Members of the Wisconsin Senate, on the motion of Senator Swan, under Joint Rule 26, extend congratulations to Edie Swan for all these virtues upon the occasion of her and her husband's 44th wedding anniversary on June 27, 1969.

Read and adopted.

Upon motion of Senator Keppler, with unanimous consent, all actions not individually messaged were ordered messaged.

Upon motion of Senator Keppler, with unanimous consent, the senate adjourned today's session in honor of the 44th wedding anniversary of Senator and Mrs. Swan.

Upon motion of Senator Keppler the senate adjourned until 4:00 P.M. July 1st.